

# DOCUMENTS

## Accompanying the Governor's Message.

Internal Improvements, Rivers, Harbors & Resources of Florida.

MR. CABELL'S LETTER TO HON. J. D. ANDREWS.

HOUSE OF REPRESENTATIVES, September 1, 1852.

To his Excellency, THOMAS BROWN, Governor, &c.,

Sir: I have the honor to transmit to you a copy of a communication from me to J. D. Andrews, Esqr., on the subject of the Internal Improvements and Resources of the State of Florida.

This communication was prepared at the request of Mr. Andrews, who had been appointed by the Secretary of the Treasury of the United States to collect information and make a report on the Improvements, Commerce and Resources of the different States of the Union.

I am well aware of the deep interest you take in, and your thorough acquaintance with, the subject matters of the accompanying letter, but would be happy, if it should be at all instrumental in attracting more strongly the attention of our Legislature and People to a just appreciation of the importance of taking early and effective measures to develop the resources of the State. No part of the Union has been so much neglected by the Federal Government, but these subjects have never yet received from ourselves, half that attention which might so justly and profitably be bestowed upon them.

I have the honor to be, very respectfully,

Your obedient servant,

E. C. CABELL.

CITY OF WASHINGTON, HOUSE OF REPS. }

J. D. ANDREWS, Esq.,

August 29th, 1852. }

U. S. Consul, St. John's, New Brunswick.

DEAR SIR: I cheerfully comply with the request in your favor of the 10th inst., to furnish you memoranda of the works of internal improvement, and for the improvement of rivers and harbors, heretofore undertaken in Florida, and which it is anticipated are to be undertaken by the General Government; or by the State; or associations in it; and likewise as to the general resources of the State.— You can use these notes in any manner you please, in your forthcoming Report to the Treasury.

There is not perhaps any State of the Confederacy, that can be more benefitted by the construction of judicious works of internal im-

Appendix 1.

provement, and by the improvement of its harbors, than Florida.—Thirty-one years have elapsed, since the Provinces of East and West Florida were taken possession of by the United States under the treaty of cession concluded in 1819. No works of internal improvement except the “King’s road” in East Florida, and a short and small canal, (never completed,) near Lake *Okechobe*; and De Brahme’s surveys in 1765, &c.; were commenced by the British or Spanish governments, whilst the Provinces were under the control of either of those powers; and since their transfer to the United States, various circumstances have combined to retard the development of their valuable commercial, agricultural, and other resources.

The fortifications then near Pensacola, that at St. Marks, the fort at St. Augustine, and an old defence called Fort George, near the mouth of the river St. Johns, were all the military defences, worth mentioning, existing in the Provinces at the cession. The United States have since established a Navy Yard, and works for the repair of vessels of war, and erected other forts, and built a naval and marine hospital near Pensacola; are building fortifications at the Tortugas; and at Key West; and near the mouth of the St. Mary’s river; and have placed the fort at St. Augustine in good condition; but no other part of the extensive and exposed gulf and sea coast of the State, is in any degree fortified; nor are there proper preparations made for the construction, at an early period of such defences. The entire Atlantic and Gulf coast of the United States, from Passamaquoddy to the Rio del Norte is about 3,500 miles, and of this extent the coast and reefs of Florida, from St. Mary’s around the Tortugas to the Perdido, comprise upwards of 1,200 miles, extending over 8 deg. of latitude and  $7\frac{1}{2}$  deg. of longitude, being more than one third of the whole coast.

Within a few years past, our “*coast survey*” has been commenced; but with meagre and inadequate appropriations, not at all in just proportion either to the necessities of the work, or to the amounts yielded for such surveys in other sections, less important to the whole country. No canal or railroad has been constructed by the federal government in Florida, but the expenditure of a few thousands of dollars, (whilst Florida was a *Territory*,) for the removal of obstructions in some of the rivers and harbors, and for two or three partial surveys of important routes of a national character, has given rise to allegations, that profuse grants have been made for her benefit. She has, too, been unjustly reproached as being the cause of the immense expenditures so profitlessly made in the Seminole war; and by some she is held responsible for all the folly, waste, extravagance, impositions, peculations and frauds, committed in that war by the *employees* of the federal government, though not citizens of the State. A similar class have had the infamous audacity to impute to her people the purposed origination of the war, and a desire for its protraction, as a source of pecuniary gain. A devastated frontier of several hundred miles, and the butchery by the savages of hundreds of men, women,

and children, throughout the State, and the utter ruin brought upon many of her citizens, by that war, ought to be sufficient to prove the falsity of this accusation. Those who have propagated, or countenanced such unscrupulous slanders against the people of Florida, have not when challenged, exposed a single case in which any citizen of the State has obtained payment of any demand against the United States, founded on fraud; and, the public records of Congress, and of the federal departments, will verify the declaration, that scores of Floridians have been refused payment of just claims, or postponed on the most frivolous pretexts, and discreditable suspicions.

If attempts have been made in any instance, by individuals claiming to belong to Florida, to obtain from the federal treasury, claims not founded in strict justice; such dishonorable exceptions do not excuse wholesale imputations against the citizens of the State generally; nor justify the excitement of prejudices against them, and the withholding payment of just demands.

Both of the Provinces, when acquired by the United States, (excepting only a small portion of country around the city of Pensacola, at the *Western* extremity; and the region contiguous to the city of St. Augustine, and to the lower part of the river St. John’s, in East Florida,) were in the possession of warlike and hostile bands of savages. The Territories when ceded, were covered with British and Spanish titles to lands, some for tracts of several thousands of acres. The “*Forbes Grant*,” extending from the St. Marks, to the west side of the Apalachicola river, and including also, the site of the city of Apalachicola and several thousands of acres contiguous thereto, further west, and the adjacent islands of St. George and St. Vincent, and Dog island, and reaching upwards of sixty miles from the coast into the interior; covered an area of upwards of one million two hundred thousand acres. Most of the lands which had not been previously granted were included in the concessions by the King of Spain to the Duke of Alagon, the Chevalier De Vargas, and the Count of Punon Rostros, clandestinely made, whilst the treaty of cession was being negotiated, and which though annulled by a codicil to the treaty, are still claimed by the grantees, and those to whom the grants have been assigned, to be valid and in force. A decision has recently been given by the United States court in Florida, in a suit brought upon the Alagon or “*Hackley grant*,” against its validity. The procrastination since 1821, of the definitive ascertainment, and confirmation or rejection of alleged Spanish titles, have been a serious evil to the State, and aided to retard its settlement and progress.

The removal of many of the Indians from the upper and middle sections, to below 28 deg. (N. L.) on the Peninsula, was effected about 1825, under the treaty made with the chiefs at Camp Moultrie, in 1823. Though this measure opened a large portion of the country to settlement and, when adopted, was generally commended, experience has proved that it was injudicious policy. It has been the prolific cause of subsequent troubles and of great sacrifice of life and

property by the people of Florida, and of immense expenditures by the federal government—the responsibility for which, as before stated, has been most unjustly attributed to the inhabitants of the State. The measure referred to has put back the State at least the fifth of a century. Four large bands or towns of Indians, located on the Apalachicola, remained there till 1834, when they were removed peaceably, in conformity with treaty stipulations, to the Indian Territory west of the Arkansas. In 1835 the Seminoles, Miccosukies and other tribes (*concentrated*, as above stated, near the fastnesses of the peninsula,) in resistance to the enforcement of treaties stipulating for their emigration west of the Arkansas, commenced predatory hostilities that soon ripened into open war, which lasted for seven years, and was attended with but limited and partially creditable success to the federal government, or to its officers, either in arms or in diplomacy. The best measure adopted by the United States during the war, was the “armed occupation” act of 1842; though the policy pursued by the federal government, in the execution of the law, until the act of 1st July 1848 was passed, decreased its benefits. The contest was abandoned by the United States in 1842, an “*arrangement*” with the yet unsubdued Indians then being made (similar to two others after 1835, which they had violated,) by the general officer commanding the United States regular forces in Florida; and which last “arrangement,” in *disregard of the previous treaties*, stipulated that those Indians headed by the chiefs *Arpiarka* and *Bowlegs* might remain on the peninsula! Their whole number, it is estimated, cannot exceed eight hundred, and they are *on paper* restricted to prescribed limits, embracing many hundreds of square miles in area. Since that “arrangement” repeated disturbances, attended by bloodshed and the destruction of property, have occurred, owing, it is alleged by the citizens, to the depredations of the Indians outside of the country reserved for them; and, on the other hand, asserted by those inimical to the people of Florida, to be occasioned by the encroachments of the frontier population upon the Indian reservation. The officers of the federal government have not restrained the Indians to the limits of the “*reservation*,” and while this duty is neglected, collisions and conflicts between the savages and the settlers near to the lines are inevitable. Means are now being adopted to effect the removal of the few hundred warriors and women and children yet remaining (and it is said in a state of destitution,) on the lower end of the peninsula, and which efforts it is hoped may be successful; but if they fail, prompt and efficient measures will certainly be taken by the State government to abate this evil, so blighting the prosperity of Florida.

It is a striking fact in the history of the Provinces of Florida, that since their first discovery by the Spaniards, nearly three centuries and a half ago, they have never enjoyed twenty successive years of peace and tranquility, undisturbed by domestic warlike conflicts or foreign hostile invasion. They have changed owners and masters

several times. The late disturbances with the Seminoles brought destruction and ruin upon many Floridians, and the insecurity to life and property since 1835, not only deterred emigration to Florida, but hundreds of worthy and valuable citizens abandoned their plantations, and with their families went to other southern States, where they would not be daily liable to massacre and devastation, owing to the neglect by the federal government of the duty of protection.

The creation by the territorial legislature of some ten or a dozen banks, to three of which were given territorial bonds or guaranties to raise their capital, and the failure of all these corporations prior to, or in 1837, the inability of any of them to retrieve their credit, and the liability imputed by the foreign holders of the “faith bonds” and “guaranties” to the State of Florida, since organized, for several millions of dollars, has been a serious drawback to the settlement and growth of the State. The State constitution expressly inhibits the State legislature from levying any tax for the redemption of these imputed obligations; those who effected the adoption of such restriction, contending that the people of the State are not justly responsible for the improvident acts, allowed by Congress, of the Territorial authorities, who, they insist, were the creatures solely of federal legislation and federal executive power, and also that the bonds were purchased by the holders in disregard of the conditions of the acts of incorporation, and with full knowledge of all the facts. Some contend, also, that the Territorial banks were created without any competent legal power in the Territorial legislative council therefor.

The annexation of Texas first, and the subsequent acquisition of California, and the discovery of gold there, also diverted emigration from Florida to those States.

These events have greatly retarded the growth and prosperity of the State; and the present backward condition of her internal improvements, should not be mentioned, without also adverting, at the same time, to them, as *her apologies*. Her people are as public spirited, and as enterprising as those of any other section, but their energies have been stifled, by the series of untoward circumstances alluded to. Blessed with a genial climate and a fruitful soil, and advantages for improvement, with facility and cheapness unsurpassed by any country, it is believed Florida is destined in time to become a populous, and one of the richest and most prosperous States of the Union.

The severe restrictions imposed in 1832, and 1834, upon our Cuba and Porto Rico trade, are ably and fully exposed by Senator Mallory, in his recent pamphlet on that subject. They are a serious grievance to the State. But for those restrictions, we should sell annually to those islands, many thousands of dollars worth of agricultural products, stock, &c. The restrictions should be forthwith abrogated; if the commercial and agricultural interests of the Gulf and Atlantic Southern States are entitled to any consideration; and indeed the dictates of sound policy and equal justice to every section of the Union, imperatively demand the repeal of those laws.

It is proper also, to state here, that the failure of the federal government, to fulfil in good faith, its obligation to indemnify Spanish inhabitants for the spoiliations of 1812, 1813, 1814, and 1818, when the provinces (then belonging to Spain,) were invaded by the troops of the United States; and the withholding of protection to the citizens of Florida, during the protracted Indian hostilities which commenced in 1835; and the refusal to indemnify the many hundreds of citizens whose property was devastated by the savages, owing to the flagrant neglect of the federal government to fulfil its duty of affording proper protection to them; and likewise the refusal to pay others their just dues for supplies furnished to troops in service, and for services rendered the federal government; are all matters that have been severely felt in Florida, and have all materially retarded its prosperity.

The only railroad in Florida, now in operation is the Tallahassee and St. Marks road. It was built about 1834, by an incorporated company. It now runs from Tallahassee to the sea-port, at the site of the ancient Spanish fortress of St. Marks, at the junction of the St. Marks and Wakulla rivers; a distance of about 23 miles, and is in good condition. Between twenty and thirty thousand bales of cotton, and large amounts of other produce, and of merchandize, are annually transported over this road. It originally crossed the St. Marks river, and run to a point on the Bay of St. Marks or Apalache; a short distance below its present terminus, where a flourishing village soon sprang up, but which was in 1843, totally demolished by an unprecedented hurricane and flood, from the Gulf, by which many lives were lost. This railroad is now owned chiefly by Gen. CALL.—The cost of construction, of rebuilding it, and of repairs, has probably been \$250,000, but it is generally considered to be a good investment. If it is intersected by the contemplated *great Central road* hereafter spoken of, it will increase in value. The Georgia "Brunswick Company," hereafter alluded to, it is understood, desire to connect with this road; and projects have been in contemplation, to extend the Tallahassee road to Thomasville, Georgia, and to other points in Georgia, without reference to the Brunswick company. Such extension will add to its importance.

*Plank Roads* are being projected at several detached points in Florida, for short distances, and one several miles in length, is now in course of construction from New Port, (a rival town to St. Marks, situate a few miles above it, on the St. Marks river,) to the Georgia line.

A small private railroad was constructed a few years ago, leading to Forsyth & Simpson's extensive manufactories and mills, near Bagdad, on Black Water river, West Florida, but it became useless and has been taken up.

In 1835, a company was incorporated to build a canal or railroad, to connect the Apalachicola river, (through Lake Wimico,) with St. Joseph bay; at which it was intended to establish a shipping port for the produce brought down the Chattahooche and Flint and Apa-

lachicola rivers, and from the surrounding country; and for receiving and forwarding merchandize to the interior; and as a rival to the City of Apalachicola. A road about nine miles long was put in operation, but in consequence of the difficulties attending the passage of large steamboats through the shoal waters of the *Lake*, it was abandoned in 1839; and another road running from St. Joseph, north, about 30 miles to IOLA, a village established on the west side of the Apalachicola, a mile above the Chipola river, was constructed at an expense of upwards of \$300,000. A bridge of superior construction, several hundred yards in length, was throw across the Chipola and the railroad continued upon it. A town was soon built, at the southern *terminus*, on the Bay of St. Joseph, which bay has an excellent harbor, easily accessible to merchant vessels of the first class usually employed in Southern trade. In 1841, the railroad in consequence of pecuniary embarrassments of the company, occasioned by its immense expenditures, was abandoned; and soon after the rails were taken up and sold to a railroad company in Georgia. Many persons contend that the site has superior advantages, and that with judicious management it would have succeeded; and that it may be recusitated at some future period, under favorable auspices. The proper and judicious improvement of the harbor of Apalachicola, would of course prevent this, and especially if the inland communication along the coast, (hereafter mentioned) from *South Cape* to the Mississippi, is undertaken. Apalachicola now ships to foreign ports and coastwise upwards of \$6,000,000 worth of cotton and other produce annually; and receives a corresponding amount of merchandise, for transportation into the interior, and has besides considerable trade.

Some miles of the Florida, Alabama, and Georgia railroad, near Pensacola, was graded as hereinafter stated, several years ago, but that work has been suspended for the present.

Excepting some local improvements at the City of St. Augustine, made by the federal government, and which were necessary for the preservation of its property there; the foregoing it is believed comprise all the works of the character you enquire of, heretofore constructed, or partially constructed in Florida.

Florida has several capacious and secure harbors, and of easy entrance. No less than twenty-six important *RIVERS*: the *Perdido*, the *Escambia*, the *Blackwater* and *Yellow* river, (through St. Mary de Galvez bay,) the *Choctawhatchie*, the *Apalachicola*, (into which flow the *Chattahoochee*, and the *Flint*;) the *Ockolockonee*, the *St. Marks* and *Wakulla*, (through *St. Marks* or *Apalachee* bay,) the *Wacissa* and *Oscilla*, the *Suwanee* or *Little St. Johns*, and its tributaries the *Withlacoochy*, and *Alapahau*, and *Santaffee*, the *Weethlocochee* or *Amixwa*, the *Hillsborough*, the *Nokoshotee* or *Manatee*, the *Talachopko*, or *Peas creek*, the *Caloosahatche*, the *Olsego*, the two *Caximbas*, the *Galivans* river, *Harney's* river and *Shark* river, besides other streams of lesser note, flow from, or through the State, into the *Gulf of Mexico*. The *five* first named rivers, extend into the

State of Alabama. They already bear upon their waters to the Florida Gulf shipping ports, valuable products, which could be greatly increased by comparatively trifling artificial "internal improvements," and the value of the public and private lands in Alabama, contiguous to them, much enhanced. The Chattahoochee river is the boundary between Alabama and Georgia, and is navigable for steamboats for upwards of 150 miles northward from its junction with the Flint, where they form the Apalachicola. The Flint extends upwards of 100 miles, into one of the most productive sections of Georgia. The Ockolockony, the Oscilla, the Suwanee and the two first named of its tributaries, all extend into Georgia; and if all of them are not susceptible by artificial improvement of being made navigable for steamboats of a large class, they can be made equal to most of the ordinary canals in operation in the Middle States, to within a few miles of their respective sources, in affording facilities for the transportation of produce to the coast, and of merchandize into the interior. Every one of the rivers named, not only at their respective outlets to the Gulf, but with reference to their navigation in the interior, are susceptible of artificial improvement, the beneficial effects of which would be commensurate to the expense incurred. The country at large would not only be benefitted by the promotion and extension of the agricultural and commercial interests of the contiguous region, and the developement of new sources of wealth and prosperity, that the improvements suggested would cause; but the facilities for cheap and ready defence of an extensive coast frontier, (now greatly exposed to a foreign maritime enemy,) that such improvements would afford; would be of incalculable national advantage. In fact the federal treasury, as to most of them, would be more than re-imbursed for all outlays, (if it undertook the works,) by the enhanced value of the public lands in their vicinity, and their consequent increased sales. And if undertaken by a State, or States, or by corporate associations, and a proper portion of the lands were granted in aid of the works, the United States would be remunerated by the increased value of the portion retained. The States of Alabama and Georgia, are directly interested in the improvements referred to, to an extent quite equal to the interest of the State of Florida. Some years since, the Legislature of the last named State, directed an examination of the Ockolockony river with a view to its improvement; and it has also, at different times, made examinations with a view to the improvement of the navigation of the Chattahoochee and Flint rivers; and it has expended some money on both. Alabama has as yet done but little to promote the interests of her southeastern counties, in obtaining facilities for the transportation of produce to the Gulf, through Florida.

It is believed that the improvement of the bays and harbors, and of their outlets to the Gulf or Sea, can be rendered easier, less expensive, and more substantial and permanent; by the adoption of the system of closing unnecessary *delta* or outlets; and instead of removing bars or deepening channels by *excavation*; making portions of them posi-

tive and immoveable obstructions; thereby confining the waters to as few channels as possible, and causing them to force and deepen those channels for their *debouchement* to the Gulf or Sea. Especially on the southern Atlantic coast, and in the Gulf, is this plan deemed to be the most eligible.

Several different examinations, reconnoissances, or surveys, have been made, of some of these rivers, and their outlets, and reports furnished, as to their susceptibility of advantageous improvement, which can be found by reference to the public documents, of which a list is annexed in note A.

That an inland water communication from the Mississippi river, to *South Cape*, in Middle Florida, could be obtained for steamboats of a medium size, and coasting craft, was many years ago, maintained by high authority. The expense necessary to obtain such inland communication, by canalling between the nearly continuous line of bays, or sounds, running parallel with the gulf coast, from *South Cape*, to the Mississippi; and by closing the mouths of one or two streams and stopping a few shoal inlets; is really trifling when the immense advantages to flow from such work is estimated. But I will not dilate on this undertaking. The public documents enumerated in note A, afford full information on the subject, and demonstrate, to my judgment, the entire practicability of effecting results especially beneficial to the Western States, and to Alabama and Florida, and when such communication is extended across the Peninsula, to the ocean, important to the Atlantic States.

On the Atlantic or eastern coast of Florida, above or north of *Cape Sable*, there are several important streams, which could also be improved by widening, straitening, and deepening, and by removing obstructions in the navigation, at comparatively trifling expense, considering the benefits that would result therefrom, in the same way above mentioned.

The sound behind the tongue of land terminating at Cape Florida, receives the *Miami* river, *Little* river, *Arch* creek, *Rio Ratones*, and *Snake* creek, and extends several miles north, parallel with the sea shore. *New* river inlet, *Hillsborough* river and inlet, *Jupiter* inlet, *St. Lucia* river and inlet, *Halifax* river and inlet, *Mosquito* river and inlet, *Mantanzas* river and inlet, *St. Augustine* harbor, *North* river, *San Pablo* creek, *St. John's* river, *Nassau* bay and river, and the river *St. Mary's*, (the latter being the boundary between Florida and Georgia,) are all important points on the Atlantic coast. As is heretofore stated, in respect of the Gulf coast between *South Cape* in Middle Florida, and the Mississippi; a nearly continuous line of inland "sound navigation," for coasting craft and steamboats of the medium size, drawing six or seven feet, it has been suggested, (and with great plausibility,) may be effected from Cape Florida to the mouth of the *St. Mary's* river, by closing securely and permanently some of the inlets mentioned, and by excavating less than thirty miles of canal, and by widening, and deepening, in a few places, the natural

channels of the interior communications now existing; being the "sounds" and also the "lakes" and rivers, adjacent to, and extending, (with but trifling interruption,) along the entire eastern coast of the State, and running parallel with the sea shore, at a short distance therefrom, in the interior. And it has been predicted, that after such improvement, the natural effect of the tides from the sea, through the "inlets" remaining open, and of the accumulation of the waters flowing into the sounds from the interior, and restrained to such outlet to the sea; and the currents caused thereby; would be, not only to increase the depth of the channels of the sounds, but to deepen several feet and keep open the entrances from the ocean at St. Augustine, and St. John's; and to such extent, as always to admit large vessels adapted to foreign trade. The entire expense of such improvements, it is estimated, would not exceed two hundred and fifty thousand dollars. But if it should be three or four times that sum, it would not equal the value of the benefits resulting in a national point of view, and to other States besides Florida. Such improvements would render the entire coast from St. Augustine to Cape Florida, forever impregnable to any enemy, and even exempt it from annoyance; without the necessity of fortifications, except at the outlets to the sea, left open, and deepened, as suggested. And many coasting vessels from the eastward, going southward, might by such inland communication, avoid the necessity of stemming the strong current of the "gulf stream;" of crossing the Bahama banks; and also the other hazardous experiment, of hugging Cape Carnaveral, and keeping close to the Florida coast, in trying which, so many such vessels bound southward are wrecked. The documents referred to in note A will give you valuable information on all these points.

The clearing out of the small streams emptying into the sounds at the southern part of the peninsula, and the connexion of the sources of those streams by canals with the interior and fresh waters of the *Pahhayo* or *Everglades*, covering an area of at least eighty by thirty miles, and with the large and deep fresh-water lake *Okechobe*, further north, and with the interior river Kissimme, running into said lake from *Tohopekaliga* lake and other lakes, (the waters extending ninety miles north from the mouth of the river,) would not only reclaim vast quantities of rich sugar lands, now submerged by the overflow of the waters, at certain seasons, but would be the means of facile interior communication, and also between every part of the interior region and the seacoast, and afford easy and cheap transportation for all the produce intended for exportation to foreign ports or shipments coastwise. The extensive swamp called *Halpatioke* would become dry and cultivatable. And the character of the country is such, that the cost of such improvement would not be great. The upper soil is light and easy of excavation; the substratum of clay with which it is underlaid is tenacious, and prevents the difficulties so often caused by caving or sliding. The face of the country is level, and no material obstructions arising from rocks will be found. The principal

obstacle to the undertaking is, that it is of a character which renders it necessary that every portion of it should be commenced and carried on to completion, simultaneously, and speedily, requiring a large laboring force, and united, combined, and concurrent action.

So too, on the western coast of the peninsula, the deepening of the outlets and the connexion of the rivers emptying into the Gulf with the same interior waters above mentioned, would be equally beneficial. The vast swamp called the Big Cypress, or *Atseenhcofa*, could be reclaimed. And the completion of such works on both sides would probably effect a means of passage for small coasting vessels and steamers across the Peninsula, thereby avoiding the perilous navigation of the keys and reefs farther south, and extending southwestwardly upwards of a hundred miles from Cape Florida and Cape Sable, into the Gulf.

The improvements suggested in the two last paragraphs are subjects of comment in the valuable documents annexed to a report made by Senator Breese of Illinois, from the Committee of Public Lands of the Senate, at the 1st session 32d Congress, August 26, 1848, Doc. No. 242. Other important information as to the agricultural capabilities, and products, and trade, and fisheries, and other resources of Florida, is to be found in these documents.

On the peninsula a railroad from Tampa bay to the navigable waters of the St. Johns, near the head of the navigation of that river, has been spoken of, and will probably in a very few years be undertaken. When the adjacent country becomes more densely populated, such work will certainly be constructed.

Another road from Tampa, running northwardly up the peninsula, avoiding the watercourses on both sides, and extending as far up as Jacksonville, has been strongly urged, and has many advocates.

Above Tampa, on the peninsula, various projects have been suggested to connect the lower with the upper region of the Peninsula, and to connect the Gulf of Mexico with the Atlantic.

It is said that the head waters of the Kissimme can be connected with those at the sources of the St. John's river, so as to be navigable for boats transporting produce.

A canal for boats or barges drawing four or five feet, has been spoken of as practicable at small expense from the *Ocklawaha*, a branch of the noble river St. John's, to the navigable waters of the *Weethlockochee* or *Amixura*.

A canal from the sound near *Smyrna*, on the eastern edge of the State, to lakes which are the headwaters of the St. John's river, a few miles west of the seacoast, or from a point on the sound to the same waters, some distance farther south, has also been suggested.

A railroad from *Pilatka*, on the St. John's river, to such point as may be ascertained to be the most eligible, on the Gulf coast, near Cedar Keys, or near Waccassa bay, has likewise been spoken of, as has also a similar work from Jacksonville, on the St. John's; and also one from the mouth of the St. Mary's to the same points on the Gulf.

In fact, several different railroads from the west side of the St. John's river farther down to the Gulf, are in contemplation.

One from Picolati, intended to extend east to St. Augustine; one from the head of navigation on Black creek; and one from Jacksonville, or a point near that town, to some point on the Gulf, or on the Suwannee river, have been spoken of, and likewise a railroad from St. Mary's river to the Suwannee. Charters have been obtained in past years from the Florida legislature for some of the last mentioned works, to be undertaken by corporate associations, but none of them, it is believed, have as yet had any route properly surveyed, preparatory to carrying out their charters and commencing such work practically. The routes of two of these contemplated works are laid down on the map enclosed to you, of one of which it is understood some years since a reconnoissance was made by an officer of the United States army, (Captain BLAKE,) since killed in battle in Mexico. The same officer made a partial survey of the harbor of Tampa and of a portion of the eastern coast of the State, and of the sounds contiguous thereto, which are referred to in the said list of documents, marked A.

The "thorough cut," or "great ship canal," or "ship railway," across the head of the Peninsula, has been written about a great deal, within the last thirty years. It has formed the subject of Congressional speeches, and reports, and of newspaper essays, and many years since, a board of the United States engineers, at the head of which was GENERAL BERNARD, made a partial survey, with a view to ascertain its practicability, and its cost. His report, and maps of his surveys, are to be found in vol. iv. Ex. Doc. 2d Sess. 20th Cong. 1828-9, Doc. No. 147. Different *termini* have been indicated on the Gulf side, for this work. The St. John's river has generally mentioned as the most eligible *terminus* of said work, on the Eastern side. An appropriation of \$20,000 will probably be made at this session of Congress, for the completion of the survey for this work.

Whilst the certain practicability of effecting the completion of this stupendous and magnificent project, to the full extent anticipated by some of its advocates, has by many, been deemed questionable, (and it seems General BERNARD did not believe in its favorable success,) yet other disinterested and impartial persons, of a high order of intelligence, and possessing accurate knowledge of the location through which the canal must be constructed, and of the soils to be excavated, confidently contend, that it is entirely practicable. The immense cost of the construction of a *ship canal*, is an insuperable obstacle to its being undertaken by the State of Florida, or by any association of individuals there. The State constitution contains provisions virtually restraining the Legislature from borrowing money on the faith and credit of the State, even for such purpose.

Therefore, if such work is undertaken, it must be by the general government; and upon the most considerate estimates, founded upon previous examinations and accurate surveys, by scientific and impar-

tial engineers. The same observations apply to the construction of the "*ship railway*" that has been suggested. If the construction of *either* of these works is ascertained to be feasible, it will be beyond all question the most important undertaking of the kind in the United States. No one can deny that its beneficial results will be eminently "*national*." Whensoever any route inside of the Gulf of Mexico, whether through Texas, through eastern Mexico, or by Vera Cruz, or by Tehuantepec, to the Pacific, may be established, a passage across Florida, as a means of speedy and safe travel, and for the transportation of merchandise, will become imperatively necessary to enable the eastern and middle Atlantic States to participate fully in the benefits of such route. The proposed canal or road may be located on a direct and straight line drawn along the coast from Cape Hatteras (to pass which, in sailing from New York, a considerable deflexion east must be made,) to the mouth of the *Rio Coatzacoalcas*, on the gulf side of the isthmus of *Tehuantepec*.

The legislature of Louisiana, smothering all selfish local considerations, at a recent session adopted resolutions asking Congress to institute examinations as to the Florida "*ship canal*;" and patriotic and enterprising citizens of eastern and of western States, with wise forecast, look to the ascertainment of its practicability as a result of the highest importance to the general interests of the whole confederacy; as well to the Atlantic, southern, northern, eastern, middle and interior States, and those on the Pacific, as to the Gulf and Mississippi States. Our Atlantic merchants see that it will greatly facilitate our future trade, not only with the Pacific generally, but with China and with the East Indies.

Whatever doubts may be entertained as to the practicability of the construction and successful operation of a "*ship canal*" or "*ship railway*" across the peninsula, it is not doubted that canals for *boats* drawing six or seven feet water may be made, either from the head of navigation on Black creek, or from one of the two southernmost prongs or branches of the St. Mary's river, or from the St. Johns river, directly to the capacious, deep and never-failing lake, called "*Ocean Pond*," about thirty miles westwardly of Whitesville, on Black creek, and about forty miles from Jacksonville, on the St. Johns river. From this lake it is supposed such canal can be continued to the navigable waters of the Santafee, and by the improvement of the navigation of that river and of the Suwannee to the gulf, can also without doubt be constructed, and the expense is not estimated to be so great, as to render it an injudicious investment. It is believed also by some persons that a similar canal for *boats*, commencing at the head of navigation near the great southern bend of the St. Mary's river, and running across near to the southern margin of the vast lake or swamp called *Okefenokee*, and directly to the head waters of the Suwannee, with proper improvements to the navigation of the St. Mary's and Suwannee rivers, is practicable, and would be highly beneficial as a means of transportation of produce, lumber, naval stores and



merchandise, and that it would also drain and reclaim tens of thousands of acres of the richest lands in that region. Such work would be greatly beneficial to the State of Georgia, which State has heretofore made examinations and surveys, with a view to its construction.

A railroad has been projected from Brunswick, Georgia, to the Gulf coast, on which coast different points for its termination have been indicated. It is stated that an association is now being organized to raise funds and commence such work. Some years since, partial reconnoissances, and some unperfected surveys were made of such work, from Brunswick, on two different routes entering Middle Florida; but from circumstances not fully understood, the commencement of the work was postponed, and the results of the surveys have never been made public. Unless the proposed work should enter Florida much farther to the east than has been stated is intended, and become connected with the great trunk or Central railroad hereafter spoken of, so that it would result to some benefit to East Florida, it will be regarded with disfavor in that section of the State and meet with such opposition as probably will prevent its extension into the State at all. It would certainly be a competitor and rival of the Central Florida railroad, if allowed to abstract from it the south-western travel and transportation, for the benefit of Southern Georgia, by leaving the State of Florida in the western section.

To all the suggested improvements terminating on the Gulf coast, near to the delta of the Suwannee, some persons have objected that formidable difficulties will be encountered to their successful operation, owing to the want of a safe and good harbor there, of easy access near to the shore for vessels drawing over seven or eight feet, and owing also to alleged hazards attending to approach of that part of the Gulf coast. I do not, however, hesitate to say, that I regard these objections of fallacious; and that safe and good harbors for vessels of twelve or fifteen feet draft can be found, and which can also be greatly improved by artificial means.

The first great work to be undertaken by the State of Florida is, in my judgment, unquestionably, at the present time, the *Trunk or Central railroad*, commencing at Pensacola and running eastwardly from Deerpoint, at the opposite side of Pensacola bay, along or as near the route of the old Bellamy or Federal road as is practicable, to the river St. Johns, the distance being about three hundred and fifty miles. A road can be run from St. Johns to St. Augustine, from Jacksonville thirty-eight miles, and from Picolata eighteen miles. All the different sectional interests of the upper portions of the State would be promoted by such work. Lateral railroads, to necessary points on the Gulf coast, and to the towns where the country trade is carried on north of the main road, can be made. These lateral roads could be extended into Alabama and Georgia; and when it may be deemed advisable, connected with the railroads in those States; and in a few years not merely Florida, but her con-

terminous sister States, will be interlaced and bound together, and mutually strengthened by bands of iron. The sugar, cotton, tobacco, rice, sisal hemp, tar, turpentine, rosin and resinous oils and lumber, and other products of those fertile regions, can be speedily, cheaply and safely transported to market, either on the Gulf or Atlantic, or for exportation to foreign ports, or shipment coastwise, in time of war or of peace; and in time of war material aid for the defence of the coast against foreign assault at any quarter of the State can always be at once furnished from the interior. Yet in the construction of such work, the just share of the general improvement fund of the State, due to that section detached from the immediate and direct advantages and conveniences of this road, and lying farther south than its effects would be felt, should not be expended, but should be scrupulously retained for the benefit of such section. The facilities such road would afford the federal government for the cheap and rapid transportation of the mails in times of peace, and the like facilities given for the transportation in time of war or troops, munitions of war, and subsistence, would be of incalculable national benefit. The river St. Johns, which is generally spoken of as the eastern terminus of the central railroad, extends from its mouth three hundred miles south, running nearly in the middle of the peninsular, its sources being chains of large lakes extending south beyond the sources of the Kissimmee. The bar at the entrance of the St. Johns cannot ordinarily be passed by vessels drawing over thirteen feet, but inside it is navigable by vessels of twenty-five feet draft, as far up as Jacksonville, and by those drawing twelve feet up to Lake George, and two feet water can be had to Lake Poinsett.—The tide seems to have influence at Volusia. The trade of the river at present is chiefly lumber. More than thirteen large lumber mills (mostly steam) are on the river above and below Jacksonville, the principal town upon the river. About 350 vessels annually are loaded with lumber and produce on the St. Johns. The quantity of lumber annually shipped from the St. Johns river is estimated at 50,000,000 of feet. An effort will be made this fall to deepen the water on the bar, which it is sanguinely anticipated can be done so as to admit vessels at low water drawing twenty or twenty-five feet, and by an expenditure of about twenty thousand dollars. Should it be effected, though it should cost twenty times such amount, it would be a wise disposition of the money. In case this work succeeds, so soon as the great central road is finished to the St. Johns, a large and flourishing commercial city is sure to spring up in a few years at the terminus on the river, wherever it may be.

Partial surveys of the eastern part of one proposed route for this road, terminating at Jacksonville, the prominent point on the St. Johns, were made some years ago by an association of Eastern capitalists, chiefly from Boston, but they have never been made public, and it is stated, the association was prevented by the Indian war, from progressing with the undertaking.



also the quantity "offered for sale" and the quantity "sold," up to the same day, and other authentic and valuable information as to the federal domain in the State. By a reference to the last annual report of the General Land Office, it will be seen that Ohio with an area of 12,354,560 acres *less* than Florida, has received grants in aid of "Internal Improvements" for 681,135 acres *more* than Florida; Indiana with an area of 16,293,960 acres *less*, has received 1,109,861 acres *more*; Iowa with an area of 5,346,560 acres *less*, has received 326,078 acres *more* than Florida, and claims (and justly) \$500,000 in addition as having been granted; making 1,225,078 acres *more* than Florida; Wisconsin with an area of 3,420,160 *less*, has received 358,400 acres *more* than Florida; Illinois with an area of 2,472,320 *less*, has received 2,246,490 acres, (the Central railroad grant,) *more* than Florida; and a similar disproportion will be seen to exist with respect to other States. And with respect to donations for schools, &c., a like disproportion exists between the allowances to her and to most of the other States; and by some process whilst Louisiana is reported as having 8,877,998 acres of swamp lands, Michigan and Arkansas *each* upwards of *four millions and a half*; Mississippi 2,239,987 acres; Illinois 1,883,412; Missouri 1,517,287; Wisconsin 1,259,269; Florida is set down as having 562,170 acres! but this it is understood to be is because all those lands in the regions yet unsurveyed are not yet officially reported, nor have the State designations progressed as far as the other States mentioned. The swamp lands in Florida will probably exceed those in any other State. Most of the lands heretofore offered, and yet remaining unsold, (and sixteen-sevenths of the lands offered are yet *unsold*;) will remain unsold for many years to come, unless some of the public improvements suggested should enhance their value. At least eleven-twelfths of all the lands in the State are yet owned by the United States. A very large portion of them, even if the principal improvements suggested should be made, would not probably for some time afterwards be sold at the present *minimum* price of the public lands. The fact that of 17,043,111 acres surveyed and offered for sale prior to June, 1851, but 1,000,407 acres have been sold, (and many of them have been offered for sale for twenty-seven, twenty-five, twenty, fifteen, or ten years,) proves that in the present state of things they are utterly worthless to the United States. On the proposed routes of the great central railroad there are, in different sections of the State, vast tracts of these lands, at present of no value to the general government, to the State, or to individuals. Rich and exhaustless beds of *marl* are to be found in several sections of the State. Those at *Alum Bluff*, on the Apalachicola river, but a short distance from the place where the *great central road* will probably cross, are of great value. That road alone will, by the cheap transportation of the *marl*, afford facilities for fertilizing the lands contiguous to it in every section of the State, but especially in *middle* and *west* Florida; and at the

same time the lumber, tar, turpentine, rosin and resinous oils that may be obtained from most of such lands, prior to their being thus prepared for and put in cultivation, could be readily conveyed to market by the same means.

Florida is the *fifth* State in size in the confederacy. Her area is 59,268 square miles, or 37,931,520 acres. *She possesses an advantage had by no other State of the Union.* SHE ALONE, OF ALL THE PRESENT UNITED STATES, CAN CULTIVATE AND RAISE ADVANTAGEOUSLY, AND FOR THE SUPPLY OF THE OTHER STATES ON THIS SIDE OF THE CONTINENT, TROPICAL FRUITS AND OTHER HIGHLY VALUABLE TROPICAL PRODUCTS! She will have *no rival* in this respect among her sister States till further "extension" and additional "annexation" is effected. You are referred on this subject to the public documents and other authentic books specified in the note, D, hereto annexed. In a few years; whether in time of war or in time of peace, not only the Atlantic cities, but the entire valley of the Mississippi, can be supplied by her with most tropical productions, with greater facility and cheaper than they can be procured from Cuba, or from any other of the West India islands. A tithe of the sum necessary to purchase Cuba, if Spain should be willing to dispose of it; and a fiftieth part of the amount of expenditure necessary to conquer and annex that island by arms, or to obtain it in any other mode, honorable or dishonorable; if expended by the federal government (even as above indicated, by liberal grants of *land*;) in aid of works of internal improvement in *Florida*, would render that State more valuable than *Cuba* ever can be, to this confederacy.—Such policy might also subdue some of the covetings and cravings many seem to have for the "*Queen of the Antilles*," (as they designate that island,) and obviate in some degree the necessity which they insist now exists, of its being forthwith wrested from Spain and possessed by the United States. War and bloodshed would also be thereby averted.

The most judicious policy that can be adopted by the federal government with reference to Florida, in my judgment, is, to transfer without delay to that State every acre of public lands within its borders, stipulating that the proceeds thereof hereafter realized by the State, shall be exclusively devoted to internal and harbor improvements within the State; the United States reserving only the necessary sites for light-houses, fortifications, and other structures, under the control of the federal government. At any rate the transfer of all lands, that, at this time, or hereafter, have been offered for sale at \$1 25 per acre, *for ten years, and that remain unsold*, should be made, and a similar rule could be wisely applied to all the States wherein public lands lie.

No one, it is presumed, will deny that the *coast frontier* of every part of the United States, is peculiarly a subject of legitimate concernment for the *federal* government, or, that to a certain extent the States have yielded the partial control thereof to the United States;

A railroad has been contemplated from Pensacola, across the Southern corner of Alabama, to Montgomery, Alabama; or to Columbus, Georgia, or to some point in Georgia, lower down on the Chattahoochee river; and to unite with some of the Georgia roads running to the Atlantic seaboard. Great interest is felt in the completion of this road at the city of Pensacola, and throughout the surrounding country, and on the different routes proposed for it; and the federal government is also deeply interested in its being finished; inasmuch as it would afford certain means for the defence and protection of the valuable public property at Pensacola; worth many millions of dollars; and as the federal treasury would be benefitted by the enhanced value of the public lands in Alabama, through which the road would run, and their increased sales. On these points I refer you to the documents specified in note B, hereto annexed. The surveys for the chief part of one of the contemplated routes of this road, where it is understood, perfected some years since, and several miles of the road near to Pensacola were graded, and other work done. It has however been suspended for some time, awaiting the action of Congress, granting the right of way through the public lands, and also grants of alternate sections, along the line of the road. Bills making such grants have passed the Senate at different sessions, but as yet, the association have been unable to obtain the concurrent action of both Houses at the same session, to the same bill.

Connected as the *great Central railroad* of the State will be, at Pensacola, (or at any of the Gulf ports that may be selected,) with the commerce to distant foreign or American ports in the Gulf and elsewhere; and especially with steamships to TEHUANTEPEC so soon as the *interoceanic* communication is made at that Isthmus, (whether the Florida road is extended to Mobile and New Orleans or not,) it must soon become the principal line of southern and south-western travel, to and from the Eastern and Middle States, to California and Oregon, and the Pacific generally. It is the natural and direct course of such travel. The sagacious and enterprising merchants of the Atlantic cities engaged in the Pacific trade, and in the trade to China, and to the East Indies, will also soon discover such work may be used to promote their interests. Of its profitable success as a pecuniary investment, little doubt can be entertained.

A canal from St. Andrews Bay to the Chipola river, has been contemplated for many years, and an association has been incorporated to construct such work. Full surveys have been made, and the feasibility of constructing either a canal or a railroad, fully demonstrated. It is in the hands of citizens of respectability, who possess means to complete it, with such assistance as may be afforded by the general government, and by the State. Extensive tracts of valuable public lands, in the vicinity of this work, have been reserved from sale by the United States for "naval purposes." These reservations are profitless, and the lands should be sold. Their being

held as at present, is injurious to the country in which they are situated. Sound and judicious policy demands that the federal and State governments, both should encourage the speedy construction of the canal or road from St. Andrews Bay. The Bay has a good entrance for large vessels, and it is a safe and capacious harbor.— Intersecting as such work probably would, (by an extension for a short distance into the interior,) the great central State railroad: its completion at once will be a valuable auxiliary to the cheap and speedy construction of the latter.

The State legislature, however, (under the advice of the "State Board of Internal Improvements," composed of citizens from each section of the State,) will it is expected, this fall, when its *biennial* session is held, devise some additional measures, for carrying out the most judicious plans of internal improvement, to those heretofore adopted. The schemes, wiles, and intrigues of speculators and jobbers, pecuniary, and political, it may be anticipated, will in Florida, (as sad experience has proved in other States,) have to be encountered and overcome, and thwarted, by the just and patriotic citizen. Attempts by means direct, and indirect, to appropriate the lands given to the State for purposes of "internal improvement;" the "swamp lands;" and every other available resource, to objects merely local, sectional, and selfish, will, it may be conjectured, be made; but the sleepless vigilance of the guardians of the public and general weal, will be faithfully exerted to prevent any combinations for such purposes being successful. That *cliques* having their own interests exclusively in view, have so often elsewhere been able to consummate their designs, will admonish the executive and legislature to watchfulness and caution. I place the firmest reliance on the intelligence, patriotism, and prudence, of those departments of the government of my State, in this regard.

The cost of the *great Central Florida Rail Road*, it has been estimated, will not probably fall short of four millions of dollars.— The proceeds of the sales of town lots at the extreme *termini*, and at several points on the route where the trade of the surrounding country will be concentrated, will go far in aid of the work. But unless the federal government does, as it should do, grant to the State alternate sections on both sides of the road, on its entire line, and for several miles laterally, as the State has not at present adequate means for its construction, it will probably be deferred.— Few foreign capitalists are disposed to embark in such an undertaking, as a permanent investment of their means, especially when the proposed work is in a country distant from them, and the progress and conduct of which work they cannot personally attend to; and the assistance of those who may subscribe for *stock*, as a matter of present speculation by its sale, is generally of doubtful value. I append hereto a statement obtained from the General Land Office, marked (C,) exhibiting the number of acres of public lands in Florida, "surveyed" and "unsurveyed," on the 30th of June, 1851;

Appendix 3.

and that, in some respects, it may be regarded as the common property of the people of all of the States of this confederacy. The lines of jurisdiction between the States and the federal government, and between the respective State governments, as to such coast frontier, are distinctly marked by the federal constitution. The federal government has not been invested by the States with any right of property to the coasts. By Art. 4, § 2, clause 1, of the federal compact, it is stipulated that "*the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States*;" and it has been held that the free right of navigation, of commerce and of piscary, and in fine of every usufructuary privilege of the coast waters, (not essentially and exclusively local,) and that are common rights, as distinguished from exclusive rights of property, in a State, or in individuals, pertain equally to the citizens of the United States of every State of the confederacy, without distinction in favor of the citizens of that State of which such coast is the frontier. Such police regulations as sound policy may render necessary, can be rightfully established and enforced by that State, and it may enact laws for the protection and conservation of such common rights, and to regulate their use so as to prevent their abuse; but such laws must apply equally to its own citizens as to the citizens of the other States. The general rights of navigation and of commerce by all, and that of piscary in waters not exclusively local, cannot be withheld for the exclusive benefit of its own citizens. But no other State may rightfully legislate as to such privileges on the coasts of a sister State, nor does the federal government possess any constitutional power to regulate by law the right of piscary on the coasts of a State, nor to cede by treaty or otherwise the privilege of using such fisheries to a foreign power or its subjects, any more than it can regulate by law any other common right in a State, or cede away a part of the territory of a State to a foreign power. To defend and protect such coast frontier in which the citizens of the United States in all the States have such common interest, as well as because it is a part of one of the States; to "*repel invasions*," (see Art. 1, § 8, cl. 15, Const. U. S.) is the bounden duty of the federal government. It is in the clause just cited invested with full power, and the national compact twice enjoins the fulfillment of such duty, (see clause last cited, and Art. 4 § 4,) and the same instrument contains an express constitutional guaranty that "*it shall protect each of them [the States] against invasion*," &c. The federal government builds fortifications, and navy yards, and ships, and armories, and arsenals, and military, and navy, and marine hospitals, and custom houses, and it establishes lines of mail steamers to Great Britain and Europe, and to the Pacific; it has erected and maintains an observatory and a military and naval academy; has a "coast survey" establishment, sends ships of war on exploring expeditions; and Congress within the last fifteen years has spent millions of dollars for the making and publication of all kinds of books on all kinds of subjects. Some

of the improvements on the coasts, and leading to the coasts of Florida above noticed, are as directly and immediately important and essential for the "*defence*" and "*protection*" of that section "*against invasion*" as forts, ships, &c., can be elsewhere. This, it is true, is owing in some degree to the peculiar geographical position, insular formation, and character of that section. Under such circumstances, to deny the legitimate constitutional power of the federal government to "*provide for the common defence*" by aiding and promoting such necessary improvements in Florida, is to deny to it the power to employ the proper and necessary means of fulfilling such constitutional duty. Whilst the obligation of the general government to "*defend*" and "*protect*" a State "*against invasion*" in time of war, is conceded, to object that the federal constitution does not allow prudent and proper and necessary preparation by it in time of peace for the fulfillment of such duty economically, advantageously and successfully, is extending "*the salutary rule of strict construction*" into absurdity. The attenuated logic by which objections are made to the means of defence and protection as unconstitutional, because forsooth the resort to such means may also and otherwise promote other interests of the State or of the confederacy, has little weight with me. But when the aid desired can be yielded in the exercise of the undoubted constitutional authority of Congress to dispose of the public lands for the common benefit, all scruples with respect to grants of such lands in aid of those improvements in the States where the lands lie, should be extinguished. The impolicy and injustice of the federal government retaining all the lands unsaleable at the present minimum price fixed by it, for a series of years after they have been offered for sale, without yielding any taxes for them to the States wherein they lie; not contributing anything in any mode for the making and repair of ordinary high ways and bridges through them, is severely felt by every resident (whether rich or poor) of a country in which there is a large quantity of unsold public lands. The personal labor the settler is compelled to yield in this way to enhance the value of the property of the United States, in addition to his other taxes, is an onerous burthen. Difficulties will probably ensue from the granting to one sovereign State the control and ownership of lands within another sovereign State, even if the lands are made liable to just taxation; and still greater difficulties will arise as to the adoption of any just rate of distribution amongst the States. Some proposed rules of distribution are absurd as well as iniquitous. By the rule of population, New York would at this time receive 33 acres to every one received by Florida, and yet Florida has 1200 miles of sea coast to defend, whilst New York has less than 150 on her Atlantic frontier. Florida has 7,671,520 acres more in area than New York. She is larger than New York and Massachusetts, or New York and Maryland together; she is larger than New York, New Jersey and Connecticut all together; and leaving out Maine, more than twice as

large as all the other five New England States together. Florida has no mountains, and properly improved, she will have within her limits less waste lands not susceptible of cultivation than either New Hampshire, or Massachusetts, or Maryland, or New Jersey, though neither of those States are *one-seventh* of her size; and she would be capable in a few years, if improved as suggested, of sustaining comfortably a larger population than New York of itself or all the New England States united. Population is a shifting rule, and not based on any just principle when adopted with reference to grants to the States. If the grant is intended to be given to the citizens of each State disposed to emigrate to and settle on such lands, the federal government had better make the grant directly to the occupant. The only true and just rule as to grants in aid of works for coast defence, or any other national objects, is *the necessity or importance of such work*, and the advantage that will result to the country therefrom. The policy of promoting the settlement of an exposed frontier State by free grants of lands to occupants, and to the State in aid of internal improvements, is, it is conceived, quite as obvious and fully as strong as any *policy of defence*, as to a future war with a naval power, that can be adopted. The expense incurred in one such war of three years, necessary to defend the 1200 miles of sea coast in Florida, would probably exceed fourfold all that is necessary for the government to yield in aid of internal improvements in that State! Our entire national coast should be defended. "No foe's hostile foot should leave its print on our shore." The dishonor of a successful invasion by an enemy will be as great if the assault be made at Cape Sable or Apalachicola as if made at Philadelphia or Washington. Besides, if such improvements are made, the means of defence thereby permanently established in Florida, will enable the federal government to provide more readily and early for other exposed points, and to furnish troops which could not be withheld or abstracted from Florida in her present condition, during such war, without gross direlection of federal duty.

That the scientific and able engineers educated for, and in the federal service ought to be, (when the federal government has so little appropriate employ for them, as at present, and generally in times of peace,) assigned to duty in the States in surveys for public improvements, is an opinion becoming quite general, and if such course is adopted, it will probably prevent the abolition or reduction of such corps. The services of such officers would be most valuable to Florida in her surveys for the various works I have mentioned above.

The population of Florida by the last census was but 47,167 white persons, 928 free colored and 39,309 colored slaves—in all 87,401. If Congress will encourage and foster the growth and prosperity of the State, by aiding and promoting the works indicated, in the manner suggested, emigration thither from Maryland, Virginia, North Carolina, Kentucky, Tennessee, Missouri and other

States, will speedily commence, and by the year 1860, her population will be quadrupled, her resources and wealth augmented in still greater ratio; and *the most exposed and defenceless section of the Union rendered impregnable*. By even yielding to the State merely the lands *made valuable* by the works *she may construct*; and with the means thereby afforded for the employment of labor in the construction of such works, she will be enabled to do much. Grant her *all* the vacant land, and, (excepting the "ship canal,") she may effect *all* that her own interests, or those of her sister States demand, now, or hereafter.

A reference to the map of Florida now sent to you made at the Bureau of Topographical Engineers in 1846, and to a chart of the light-houses of the United States also enclosed, will show you that with upwards of 1,200 miles of dangerous sea-board, there are fewer light-houses in the State than there are appurtenant to the cities either of New York, or Boston. Property of upwards of two hundreds of millions of dollars in value, it is estimated, annually passes along a large portion of the Florida coasts, which are, in many places, as much exposed and dangerous as the coast of any section of the Union.

In the document referred to in note E, annexed hereto, you will find stated the value of the property annually wrecked on the keys and reefs and coasts of *South* Florida, and which is carried into Key West for adjudication of the salvage, for each of the ten years last past. A large amount wrecked elsewhere, on the upper coast, and that which is *totally lost*, is not estimated; nor is the great loss of human life adverted to. The average value of all the property *annually* wrecked and lost on *all* the Florida coasts and reefs cannot be less than *a million of dollars*!

You are referred to the statements procured from the Treasury Department herewith sent to you, and to the documents specified in note (F) for the tonnage and foreign exports and imports and other statistics of the State.

You will find in some of the documents I send you, authentic information as to the *fisheries* on the coast of Florida. It is predicted, that before many years, these fisheries will become a source of profitable employment to thousands of seafaring men, who will be induced thereby to become residents of the islands and coasts contiguous to them; and they will be looked to particularly by the inhabitants of the great Western valley, for the supply of that article of subsistence; and other sections of the Union, and foreign countries may likewise be furnished from them. They pertain exclusively to the State, the Constitution whereof asserts its right; and *they are regarded as destined to be of as much importance and value, as the fisheries on the coast of the British Colonies at the north east end of this continent*.

In addition to the documents above mentioned, I enclose you a letter (G) respecting the State of Florida, from that intelligent offi-

cer J. C. G. Kennedy, Esq., of the "Census Bureau;" and also a statement (H) compiled from the laws, of all the appropriations of money or lands made by Congress since the acquisition of the Floridas, in any wise in aid of public improvements therein.

Though hundreds of invalids and valetudinarians annually resort to Florida from the North and West, during the winter months, the State has been slandered as being insalubrious. The letter of Mr. Kennedy proves that on the score of health she stands *ahead of any other Southern State*, and is exceeded by *but two States of the Union*. Some transient visitors to Florida, ignorant of the ordinances of Providence for the preservation of health in tropical regions, and ignorant of the genial effect of the climate upon the soil; and comparing the soil of Florida with the rich bottom lands of the Western and Middle States, denounce the lands of Florida as "barren sands," as "worthless," &c. Mr. Kennedy's testimony, founded on the unerring test of official statistics of facts, disproves all these notions, and establishes the fact that in *proportion to the improved lands*, and in *proportion also to her population*, her agricultural products exceed in *value those of any other State of the Union*; and so also in proportion to her slave population, they exceed in value those of any other of the slave States.

Very respectfully,

Your obedient servant,

E. C. CABELL.

## APPENDIX.

### C.

Statement compiled from Report of Commissioner of General Land Office as to public lands in *Florida*, June 30, 1851, and other documents in the General Land Office.

Area in square miles.....	59,268
Area in acres.....	37,931,520
Surveyed.....	22,314,689
Unsurveyed.....	15,616,831
Offered for sale.....	17,043,111
Sold.....	1,000,407
Surveyed and not offered.....	5,271,578
Advertised in fall of 1851.....	1,780,322
Surveyed and not sold.....	21,314,282
Donations and grants for schools (16th sections,) and for University, Kentucky deaf and dumb Asylum.....	954,583
Internal Improvements, grant on admission.....	20,924
Grants to individuals, "armed occupants," under acts of 1842 and 1848, patented up to June 30, 1851.....	500,000
Public buildings, seat of government.....	52,114
Grants for military services, &c., (general military land warrants land warrants located in Florida,).....	6,240
Reserved for "live oak" for Navy.....	31,240
	163,888

[This does not include sites for forts, light houses, &c., or town lots of U. S. in Pensacola and St. Augustine, nor the Keys and Islands on the coasts, all of which are reserved for the present; the departments having decided that an act of Congress is necessary to release a reservation by the President for any purpose.]

Reservation for town of St. Marks.....

305

Confirmed private claims, (Spanish grants, &c.).....	1,330,788
Swamp lands returned to June 30, 1851, not including those in the regions yet unsurveyed and others not designated, supposed to amount to several millions of acres.....	562,170
Reserved temporarily for Indians under General Worth's arrangement, including "neutral ground" prescribed by War Department, estimated at.....	3,600,000
Land sold in year ending June 30, 1851, 27,873 acres; receipts same time \$34,842. The expenses in Florida of the United States as to the public lands for some years exceed the receipts.	

### G.

CENSUS OFFICE, WASHINGTON CITY, }  
August 23d, 1852.

DEAR SIR:—In compliance with your request, I enclose you sundry printed statements compiled in this office in January last from the official returns, relating to the population, products, &c., of Florida, and also of other States, so far as is necessary to verify the comparisons made below. The statements are generally correct, but typographical and other errors which exist to an inconsiderable extent, will be rectified in the official publication soon to be made. These corrections will not change materially any of the results given.

It seems:

1. That the number of deaths in Florida in the year ending June 1st, 1850, was 933, the population being 87,400. This is but one in 93 (and a fraction) in that year, and is less in proportion than in any other State of the Union, except Vermont, Iowa and Wisconsin.

The Territories of Oregon and Minnesota, it appears, had fewer deaths in 1850, in proportion to their population, than any State. This may, in some degree, be accounted for by the fact that emigration thither is mostly of male adults in the vigor and prime of life, and there are in these countries comparatively fewer aged and infirm persons, and fewer children than in the old settled States.

2. The entire area of Florida, in acres, is 37,931,520, and of this there was in 1850 only 349,049 acres of improved land. The official average valuation of these improved lands, made by the returning officers is \$18 per acre, being much less than the average valuation of improved lands in any other State or Territory.

Florida has less improved lands than any State except Rhode Island and California.

3. Florida has acres of improved lands.....	349,049
Unimproved, attached to above.....	1,236,240
Cash value of improved lands.....	6,322,109
Value of farming implements and machinery.....	658,795
Horses.....	10,848
Mules, &c.....	5,092
Milch cows.....	72,876
Working oxen.....	5,794
Other Cattle.....	182,416
Sheep.....	23,311
Swine.....	209,453
Value of live stock.....	2,880,058
Wheat, bushels of.....	1,027
Rye, bushels of.....	1,152
Indian corn, bushels of.....	1,996,309
Oats, bushels of.....	60,586
Rice, pounds of.....	1,075,000
Tobacco, pounds of.....	933,617
Ginned cotton, bales of 400 pounds each.....	45,131
Wool, pounds of.....	23,217
Peas and Beans, bushels of.....	189,359

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Irish Potatoes, bushels of,.....	7,328
Sweet Potatoes, bushels of,.....	757,226
Buckwheat, bushels of,.....	55
Value of orchard products, in dollars,.....	1,280
Wine, gallons of,.....	10
Value of produce of market gardens,.....	8,721
Butter, pounds of,.....	371,498
Cheese, pounds of,.....	18,016
Hay, tons of,.....	2,510
Other grass seeds, bushels of,.....	2
Hops, pounds of,.....	14
Flax, pounds of,.....	50
Silk cocoons, pounds of,.....	6
Cane sugar, hogsheads of 1000 pounds,.....	2,752
Molasses, gallons of,.....	352,893
Beeswax and honey, pounds of,.....	18,971
Value of home made manufactures,.....	75,582
Value of animals slaughtered,.....	514,686

4. It seems that in proportion to the quantity of improved lands, Florida produces more cotton than any other State. So also in proportion to the slave population she produces more cotton than any other slave State. So also in proportion to her entire population she produces more cotton than any other State of the Union.

5. She produces more sugar (from cane) in proportion to the lands in cultivation, and also in proportion to her slave population, and also in proportion to her entire population than any other State of the Union, except Louisiana and Texas.

6. Florida raises a greater quantity of tobacco than any of the other States except Connecticut, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, and Missouri; and in proportion to the lands in cultivation, and to the population, greater than several of those States. She raises a greater number of bushels of sweet potatoes than any State of the Union in proportion to the land in cultivation and slave population, and aggregate population.

7. The number of cattle in Florida compares with that of any State in the same way.

8. No account of oranges, figs, olives, plantains, bananas, yams, or other tropical fruits, or of the *coompty* or *arrow root*, or sisal hemp or other tropical productions, can be given at this time from this office.

There is great difficulty in estimating the *value* of the different products of the different States, and of the same products in different States, but from a general and hasty estimate from the best data I can refer to, and from comparison, I am satisfied the value of the agricultural products of Florida (of course in the State) in proportion to the area of improved lands, and to the population, slave or free, and both, will compare favorably with the value of the products of any State of the Union. When, therefore, the lower value of the land and of the agricultural implements used is estimated, and also the superior health of the State is considered, your anticipations of the comparison being advantageous to your State will be realized.

Florida is behind many of the States in her corn crop, and she raises but a small quantity of wheat, rye or oats; and it appears the value of all investments in the State of Florida in cotton manufactures is \$80,000 which is of cotton goods making 624,000 yards of sheeting annually. It is impossible at this moment, to furnish the statistics of the lumber business in Florida, which amounts to a large sum annually.

I have the honor to be, sir, with great respect, your obedient servant,  
JOS. C. G. KENNEDY, *Superintendent*.

Hon. E. C. CABELL.

F.

TREASURY DEPARTMENT,  
*Register's Office, August 25, 1852.*

DEAR SIR:—I have caused a clerk to compile the memoranda desired by you of the statistics of commerce and navigation in Florida in 1850-1, which is as follows:

1850, imports from foreign ports,.....	\$85,109
1851,.....do.....do.....	94,997
1850, exports to foreign ports,.....	2,607 968
1851,.....do.....do.....	3,939 910

Tonnage in 1850, 9,365 tons; in 1851, 11,272 tons.

Of the exports in 1850, \$2,546,471 was from Apalachicola, and in 1851 there was \$3,858,933 from the same port. In 1851, the foreign exports from St. Marks were \$61,755. Much more than half of the tonnage of the entire State is from Key West.

Of the value of shipments of foreign or domestic merchandise or products from and to Florida ports *coastwise* to and from other ports of the United States, no returns are made to the Treasury. It is presumed that the value of the shipments of cotton, tobacco, rice, sugar, lumber, tar, turpentine, and other products of Florida so shipped *coastwise*, vastly exceeds the value of the foreign importations.

The exports, foreign and *coastwise*, from Florida ports, greatly exceed the products of the State. This you will perceive by comparison of the census office returns and estimating them with the statistics you can procure from the chamber of commerce of each port, or merchants, of the *coastwise* exports adding the latter to the foreign exports above given. This is accounted for by the fact that a large amount of the products of the States of Alabama and Georgia is sent to the Florida gulf ports for shipment.

I have the honor to be your obedient servant,  
N. SARGEANT.

## REMOVAL OF THE INDIANS.

[From the Governor of Florida to the Secretary of War.]

EXECUTIVE DEPARTMENT,  
*Tallahassee, February 13, 1851.*

The Hon. C. M. CONRAD,

*Secretary of War:*

SIR:—I have the honor to transmit to you a copy of an act passed at the late session of the General Assembly of this State, from which you will see that it is made my duty to “correspond with the proper Department” of the General Government, and to urge the necessity for the speedy removal of the remnant of the tribe of Seminole Indians yet remaining in Florida.

The anxiety manifested by our people on this subject, I am sure will not be regarded as unreasonable, when you take into consideration the injuries they have suffered, and are hourly liable to suffer, from such lawless neighbors, whose presence has been a continual blight upon the prosperity of our State, and will so continue to operate as long as any of them are permitted to remain within our borders. Since the withdrawal of the United States troops from the

posts established between the Indians and the white settlements, many of the settlers, who had purchased lands and made plantations, have broken them up and removed out of the State, and thousands are deterred yearly from immigrating to the State from a knowledge that within its borders are bands of lawless savages.

It is quite certain that, if the Indians are left to their own choice, they never will remove. And so long as any of them are allowed to remain, all that the United States have done and expended accomplishes nothing for Florida, and is of very little benefit to the General Government, because the same system of military posts and Indian agency must be kept up; whilst the most interesting and valuable part of our State—the only portion of the United States capable of yielding, to any degree of perfection, the tropical productions—is cut off from any benefit to the citizens and sealed to the knowledge of the world, to be used as the hunting ground of a few roving savages.

I shall be very happy to co-operate with the Government of the United States in any measures which the President may determine on, for the removal of the Indians remaining in Florida; but I will very respectfully propose a plan for consideration which will, I think, accomplish the object with the least delay and expense, and probably without violence. The Indians, we know, have as great horror of a surveyor's staff as they have of a soldier's rifle. I would propose that orders be given for the immediate survey of the whole Florida Peninsula; and as experience has shown that the soldiers of the regular army are not as capable of penetrating the swamps and hammocks of Florida as a class of men raised on the Indian frontier, and accustomed to hunting known as *cattle minding*—who understand the Indian character, and the wilds they inhabit, as well as the Indian himself, and who have always been a terror to the Indians—let a volunteer regiment of such men be raised, as an escort and protection to the surveyors, and to act as their pioneers, with instructions to capture all the Indians they fall in with, and destroy their towns; and let the posts on the line of frontier be garrisoned with the regular troops, for the purpose of protecting the frontier settlements, and receiving all the Indians that may be captured, or that may voluntarily come in, and to serve also as depots for supplies for the surveyors and the volunteers. At the same time, let the agent notify the chiefs of the determination of the General Government to survey and settle the country, and to remove the Indians, offering such bounty as may be deemed sufficient to all who will quietly come in by a given day to remove to the West, and all who do not come in by that time, will be treated as enemies and outlaws. I verily believe that some plan of the kind which I have crudely thrown out would effect the peaceable removal of the Indians, with the least delay and cost—whilst it would accomplish the double purpose of completing the public surveys in Florida, and open to the people the only portion of the United States suitable to tropical productions.

I shall be pleased to be favored with your views on this subject in which the people of Florida are so deeply interested.

I am, with high respect and consideration, your most obedient,  
THOS. BROWN.

[From the Secretary of War to the Governor of Florida.]

WAR DEPARTMENT,  
Washington, March 21, 1851.

SIR:—Your letter of the 13th ult., enclosing the copy of an act recently passed by the Legislature of Florida, "To provide for the final removal of the Indians now remaining in Florida beyond the limits of the State," was received in due course of mail, but constant and urgent business has prevented me from making an earlier reply to it. I have no doubt that the Indians still remaining in Florida, are a source of annoyance and injury to that State, and I regret exceedingly that all the efforts of this Department to prevail upon them to migrate have thus far proved unavailing. The Department will, however, persevere in these efforts, and does not despair of their ultimate success. For the present, however, it can employ none but peaceable means to effect this object. The small military force which it has at its disposal, is absolutely necessary for the protection of the frontier, not against such inconvenience and injury as those to which the inhabitants of Florida are exposed by the vicinity of a small remnant of a tribe who have for several years been harmless, but against the incursions of numerous and powerful tribes of Indians in a state of actual hostility. Such is the situation at this moment of the inhabitants of Texas, of California and New Mexico, and I am quite sure that the good people of Florida would regret to see any portion of the very inadequate force employed in the protection of that distant and defenceless region, diverted from its purpose.

There is another difficulty. The appropriations made by Congress for the support of the army, during the approaching fiscal year, are entirely inadequate to the purpose; and even if the Department had at its disposal the military force necessary to enable it to make war against the Indians in Florida, it would be prevented from doing so by the want of funds. By the 7th section of the act, a copy of which is enclosed in your letter, it appears that the Legislature of Florida (who are presumed to be well informed on this subject) estimate that the expense of effecting the forcible removal of the Indians, would be not less than \$2,000,000, (two millions of dollars.) You will readily perceive, therefore, that the Executive would reluctantly embark in an undertaking, which would involve such a heavy expenditure, until Congress had sanctioned it, and provided means of carrying it into execution.

As regards the plan suggested by you, of sending a party to survey the land now occupied by the Indians, under an escort of a regiment of volunteers, with orders "to capture all Indians they fall in



with, and to destroy their towns," I have only to remark, that this Department has neither the authority to survey public lands, or to raise a volunteer regiment, for the purpose of protecting those engaged in such an operation.

I beg leave, however, to assure you, that this Department is employing, and will continue to employ, all the means at its disposal to effect a speedy removal of these Indians, and to express the hope and the belief, that neither the Government, nor the inhabitants of Florida, will, by any precipitate proceedings, interfere with, and thwart its efforts. I have no doubt that such proceedings would rather retard than expedite the accomplishment of the object they have in view.

I remain, very respectfully,

your obedient servant,

C. M. CONRAD,

Secretary of War

His Excellency THOMAS BROWN,  
Governor of Florida, Tallahassee, Florida.

[From the Governor of Florida to the Secretary of War.]

EXECUTIVE DEPARTMENT,  
Tallahassee, April 11th, 1851.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st March, in reply to mine of the 13th February, which I found on my return from a recent visit to Cape Florida, and the Keys on the Florida Gulf Coast.

I have the fullest confidence in your assurance, that all the means at the disposal of the Department of the General Government over which you preside, will be employed to effect a speedy removal of the Indians yet remaining in Florida. Whilst I must regret to understand from your letter, that the means at its disposal are so "entirely inadequate to the purpose," yet it is not the less my duty, as the Chief Executive Magistrate of this State, still to urge the necessity of their speedy removal, and the obligations on the General Government to enforce it, and to call upon Congress to supply the necessary means. I concur entirely in the views of the Executive of the United States, in the propriety of employing peaceable measures to effect their removal, so long as there is a prospect of success. But does the past justify the belief that further forbearance will lead to any more favorable result? Is the prospect of their peaceable emigration as good now as it was a year ago, I respectfully think not. They are not a people with whom temporizing can have any beneficial effect. The Government must make them know that they are to remove in a reasonable time. It was with this view, which I believed to be in accordance with the humane intentions of the General Government towards this "remnant of a tribe," that I suggested a survey of the country which they inhabit, as a preparatory step to its settlement, instead of making war upon them; as

the better course. I was aware that the War department had "neither the authority to survey public lands, or to raise a volunteer regiment, for the purpose of protecting these engaged in such operations;" but believed—if the suggestion had the sanction of wisdom—that the Executive of the United States, who is charged with the duty of seeing that treaty stipulations are faithfully executed, would call on Congress to clothe the proper Department with the requisite and necessary authority, and to make the required appropriations.

I beg to assure you, "that neither the Government, or the inhabitants of Florida, will, by any precipitate proceedings, interfere with or thwart the efforts," which the Department is employing for a speedy removal of the Indians yet remaining in Florida, or do any act that will have a tendency to retard the accomplishment of an object so desirable, so long as there is a prospect of the General Government accomplishing any thing in the way of their removal, or forbearance can be deemed a virtue. It is true, the Indians at this time are, apparently, "harmless," but how long they will remain "harmless," is very doubtful. They murdered several of our citizens within the last two years, and killed or captured the boy from the plantation of Captain Sumner within the last year. Therefore, it cannot be admitted that they "have for several years been harmless," as you suppose.

I have seen in "An act to supply deficiencies in the appropriation for the service of the fiscal year," &c., that the sum of \$75,000 have been appropriated to pay for subsistence, supplies and service of local troops called into service in Florida during the year 1849. Having received no official information in regard to his appropriation, I beg to inquire if the funds so appropriated are subject to my order, or if an United States officer will be sent here to pay off the claims. The latter course would be most desirable to me.

I am, with high respect,

your obedient servant, &c,

THOS. BROWN.

The Hon. C. M. CONRAD,  
Secretary of War.

[From Capt. Casey to the Governor of Florida.]

FORT MYERS, CALOOSA HATCHEE,  
Florida, April 20, 1851.

SIR:—In a former communication, (dated November 6, 1850,) I had the honor to report to you that the Indians were, with the exception of a band of about twenty, within the limits, and peaceable; also, that I was investigating the case of the boy, Daniel Hubbard, who was missing since August 6th, 1850. I now have to inform you that, in January, I received information that the boy was taken by two or three of the "outside" band, and by them murdered.

On the 13th of this month, the Chiefs reported that all the outsiders (but one) were not only within the lines, but south of Ca.

*loosa Hatchee*—whereupon I demanded the surrender of all concerned in the wanton murder of August last. They at once agreed to surrender them, and promised to bring them in as soon as possible. This demand was postponed until the outsiders were forced within the lines, to render more secure the arrest of the criminals, and the peace of the frontier.

These men, when received, will be delivered to the civil authorities at Tampa, in Hillsboro' County, under the orders of the Secretary of War.

Permit me to suggest to your Excellency, that, should these men be tried and convicted, their execution at this place, and in presence of the Indians, would have a most salutary effect in preventing further outrages. The Chiefs asked that this might be done.

In conclusion, I have to inform you that no trade in munitions of war has been allowed since the outbreak in 1849, and all trade has been suspended since I became satisfied that the boy, Hubbard, was murdered by Indians, and will not be re-opened until the surrender of all concerned.

I am, sir, most respectfully, your obedient servant,

JOHN C. CASEY,

*Captain U. S. A. & Special Indian Agent.*

His Excellency THOMAS BROWN,

*Governor of Florida, Tallahassee.*

[From the Governor of Florida to Capt. Casey.]

EXECUTIVE CHAMBER, Florida, }  
Tallahassee, May 18, 1851. }

SIR:—I have the honor to acknowledge the receipt of your letter of the 20th April, which came to hand by the mail of last night.

I am glad to understand that the cause of the disappearance of the lad, Daniel Hubbard, has been clearly ascertained, and that there is a probability that the perpetrators of so unprovoked and wanton a murder, will be delivered up to be punished. I trust, my dear sir, that you will impress it upon the minds of the chiefs, that any unnecessary procrastination in surrendering the men concerned in the murder will be looked upon as favoring their conduct, and that the whole tribe will be held responsible if the murderers are not promptly surrendered. If surrendered, I think it probable that the Judge of that District will consider it necessary that they should be tried in the County where the crime was committed. In regard to your suggestion, in the event of their conviction, I entirely agree, and doubt not the Judge would appoint any place of execution you might suggest, where all the Indians might be present; or, if thought necessary, I would give an order to that effect. Had the other murderers, when they were delivered up, been handed over to the civil authority of this State, and tried and executed as you suggest, the example would have had a salutary influence.

In a letter recently received from the Secretary of War, he says

"I have no doubt that the Indians still remaining in Florida are a source of annoyance and injury to the State, and I regret exceedingly that all the efforts of this Department to prevail on them to migrate, have, thus far, proved unavailing. The Department will however persevere in these efforts and does not despair of their ultimate success." I hope *these efforts* will be persevered in, and that the Indians will be made distinctly to understand that they will not be permitted to remain in Florida; and if they do not, in a reasonable time, accept the favorable terms of the General Government and remove peaceably, that force will be resorted to for their expulsion or destruction; for the people of this State will not bear with them much longer. I am, with high respect,

your obedient servant,  
THOMAS BROWN.

Capt. JOHN C. CASEY, U. S. A. and Special Indian Agent.

From the Governor to Capt. Aaron Jernigan.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, Dec. 18, 1851. }

Dear Sir: I received by the mail this morning, your letter of the 8th instant, giving me the information that the United States mail-rider from your place to Tampa, had been fired at by two Indians, the balls passing through his clothes. These frequent occurrences, so well calculated to keep the people on the Indian frontier in a state of continual anxiety and alarm, are seriously to be deprecated; and must not be permitted to continue. Something must be done to rid the State of these faithless and treacherous savages. I shall immediately write to Washington, and enclose a copy of your letter. If the Indians have passed over their boundary, and you have good cause to believe, with hostile intentions, you are authorized to raise a force to repel them and protect the settlements until you can communicate with me, by express, and a sufficient force can be sent for their protection. I refer you to the Militia Laws of this State in such cases: "If a sudden invasion or insurrection shall take place, or be made or threatened, on any portion of the State, the Commanding Officer of the Militia, or any portion thereof adjacent thereto, shall be, and he is hereby authorized and required to order out the Militia under his command, to repel or suppress the same."—*Thompson's Digest*, page 161. "That any of those officers may order out the Militia under their command, at a minute's warning, in cases of invasion or insurrection."—*Same*, page 166. Should any outbreak take place, troops thus called out will serve to protect the settlements until a force can be raised under the Act of the last General Assembly.

But I will remark that I have information that the General Government has now an Agent employed for the purpose of removing the Indians from Florida; and so long as they are quiet and peaceable—which will be best evidenced by keeping within their pre-

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scribed bounds—I must express the hope that no act will be committed on the part of the settlers on the frontier, which will have a tendency to provoke them to acts of hostilities, which might interfere with any amicable arrangement which may be made by the General Government for their speedy removal.

I am, very respectfully, your most obedient, &c.,

THOMAS BROWN.

COL. A. JERNIGAN.

From the Governor to Mr. Cabell.

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, Dec. 23, 1851.

*My Dear Sir:* You will see by the enclosed copy of a letter, just received, that we may expect more Indian difficulties. You know Capt. Jernigan, who is the writer of the letter, has been a member of the Legislature of this State, and is a reliable man. It is very clear that we shall have no quiet so long as these faithless and treacherous Indians are permitted to remain in the State.

You have doubtless seen the proceedings of the people of Jackson County, in West Florida, calling upon me to convene the Legislature for the purpose of taking steps, on the part of the State, for the removal of the Indians remaining in Florida. This may be considered as a pretty fair indication that similar meetings will be gotten up all over the State, while the recent occurrences will stimulate to another Indian excitement. The General Assembly, at its last session, passed "An Act to provide for the removal of the Indians now remaining in Florida," and authorized me to raise a regiment of Mounted Volunteers, or two regiments if need be, and I had some difficulty to prevent a provision requiring immediate action for their forcible expulsion. Knowing that the Administration had adopted the policy of peaceable measures for their removal, I was reluctant that the State authorities should pursue any course towards the Indians which would have a tendency to interfere with the arrangements of the General Government, in regard to their quiet removal, so long as there was a probability of success—and obtained a provision authorizing me to communicate with the proper Department at Washington, and to tender the Volunteers ordered to be raised "to co-operate with any force of the United States troops which may be ordered to Florida for the purpose of removing the Indians."

Accordingly, I addressed a letter to the Secretary of War, dated 13th February, and with a view of carrying out the pacific policy adopted by the General Government, I proposed a plan for their removal, by a survey of the country they inhabit, under a sufficient military guard, with a distinct declaration to them, that the country would be surveyed and settled. To which, the Hon. Secretary replied, under date of the 21st March, that "*the War Department had neither the authority to survey public lands, or to raise a volunteer Regiment for the purpose of protecting those engaged in such opera-*

*tions*," and that the means at its disposal "were entirely inadequate to the purpose" of removing the Indians. It therefore, becomes now, my duty to call upon you, and the Senators from this State, to urge upon Congress the necessity of making an adequate appropriation for the immediate removal of the Indians from Florida, in accordance with the stipulations of the treaty of Payne's landing of May 9th, 1832, which has always been acknowledged by the General Government "still to remain in full force, and that it is the duty of the Executive to cause all necessary and proper efforts to be made, to carry them into effect, as he is bound to do with respect to the requirements of any other law"—and still adhering to the opinion, that my plan of surveying the country the Indians inhabit, will be the most effectual method of causing their removal peaceably; and, at the same time, will be preparatory to the settlement of the country. I must still insist upon it, and ask of you to endeavor to obtain an appropriation for the immediate survey of the whole Peninsula of Florida, under a sufficient military guard to insure its accomplishment.

With ten companies of surveyors, with a force sufficient for their protection; and from five hundred to a thousand Volunteers, some to be mounted, and some on foot, subject to my orders, I feel the strongest assurance, that every Indian can be removed from Florida in less than twelve months, provided the General Government will furnish stations for their safe-keeping, when captured, and transportation for their prompt removal to their home in the west; and at less expense than like operations have heretofore been to that government.

In May last I received a letter from Capt. Casey, late Indian Agent, informing me that the future charge of the Indians in Florida had been transferred from the War Department to that of the Interior, and that Gen. Luther Blake, who had just arrived at Tampa, was appointed Special Agent and superseded him in that office. But I have received no information of the change, either from the Secretary of the Interior or from Gen. Blake. I have since been informed by letter from Tampa, that Gen. Blake, after remaining a day or two only, left for New Orleans, and has not since been in Florida, nor have we heard anything of his movements. The Indians consequently, remaining without the control of any recognized Agent.

It appears from a copy of the contract made by Mr. L. Lea, Commissioner, with the approbation of the Secretary of the Interior, with Gen. Blake, which I obtained from you, that the Department has "entire confidence in the integrity, judgment and discretion," of the Agent selected for the duty, as well as in his "experience in Indian affairs, and his acquaintance with the character and disposition of the Seminoles in Florida," and which I am not disposed to question.—But I fear, the same cannot be said of his activity and promptness in executing his contract. Nor do I think, with due deference, that the contract has been made with a sufficient regard to policy, to insure any certainty of its successful execution.

The sum of \$10,000 is allowed the agent, whether he removes an

Indian or not, and for the faithful performance of his contract, a bond with a penalty of only \$5000\* is required. Moreover, he is to receive \$800 for every warrior, and \$450 for every woman and child he may induce to emigrate, without any limitation of the time in which it shall be done, and without any obligation that *all* the Indians shall be removed.

Now, it is admitted in the contract that some 500 Indians yet remain in Florida. Suppose some hundred or two, of old or dissatisfied men, and women and children, should be induced to remove—this might prove a very pretty little speculation to the Agent, but what would Florida be benefitted by it? Nothing, even worse than nothing; because if the chiefs are determined to remain and resist any attempt to force them, they would no doubt like very well to get rid of the encumbrance of their old, infirm and dissatisfied men, and their women and children, and would consequently become a more troublesome and dangerous foe. This was the case in the late attempt to remove them under Gen. Twiggs; some seventy women and children were gotten off at a heavy charge to the Government, but the chiefs took good care that the warriors should remain. The truth is, the millions that have been expended by the General Government in efforts to remove the Indians from Florida have benefitted us nothing, from a vacillating policy, which abandoned the enterprise at the very moment when it should have been pressed with the most vigor; until the chiefs have come to the conclusion that the United States Government is unable, or unwilling, to force their removal, and they laugh at the idea of the State's doing it. And thus they remain in Florida exerting the same blighting influence over the prosperity of the State as if not one had ever been killed or removed. The contract should have provided a handsome premium for the removal of *all*, and for a portion of them, only a small compensation.

When the importance of this subject to the State of Florida is considered, it should not be at all surprising that the people are impatient under the delay—indeed, it is wonderful that they have submitted so long.

Why is it, that Florida, with her extent of seaboard and fine harbors on the Gulf of Mexico and the Atlantic—with an extent of territory, which in size, places her next to Virginia and Georgia—with a climate and soil superior to any of the States of the Union, and the only portion of the United States, within the region of tropical productions—I ask, why is it, with all these advantages, that Florida has but one Representative on the floor of Congress, and not a revenue sufficient to support a State Government? The answer is, the failure of the United States Government to remove the Indians agreeably to Treaty Stipulations.

Your constituents expect from you and the Senators from this State, a determined action which will secure from Congress an appropriation which will be adequate to the removal of the Indians, and the survey of the lands in the Peninsula to prepare the country for settlement.

On this subject, I beg to refer you to my letters to the Secretary of War, of the 13th and 11th of February, last, and to assure you of my desire to render you all the aid in my power, towards the accomplishment of this desirable object. I am, with high respect,

Your most ob'dt. &c.,

The Hon. E. C. CABELL.

THOMAS BROWN.

Instructions from the Secretary of the Interior to Gen. Blake.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, April 18, 1851. }

To LUTHER BLAKE, Esqr., now in Washington, D. C. :

Sir: With the approbation of the Secretary of the Interior, you are hereby appointed Special Agent to proceed to Florida for the purpose of endeavoring, by judicious arrangements and efforts, to effect the removal of the Seminole Indians remaining in that State, to the country of their brethren, west of the Mississippi river.

By the Treaty of Payne's landing, of May 9th, 1832, the Seminole tribe sold out all their lands in Florida, and agreed to remove west of the Mississippi; but when the time for their removal arrived, they refused to go, and broke out into open hostilities. During the seven succeeding years, the most strenuous exertions were made to conquer and compel them to comply with their Treaty engagements; large bodies of troops were employed—many valuable lives sacrificed—and millions of money expended, but with only partial success. At the end of that period, a considerable number of the Indians who could neither be captured or subjugated, still remained in the country, with as obstinate a determination not to leave it, as they had ever manifested. A continuance of the military operations against them seemed useless, and to relieve the Treasury from the heavy drain upon it, which they occasioned, it was deemed expedient to discontinue them.

An arrangement was therefore made with the Indians, permitting them, for the time being, to remain; but within certain designated limits. This arrangement could be regarded as temporary only—lessening, in no respect, the obligation of the Indians to remove when required by the Government. The stipulations of the Treaty, on that point, still remain in full force, and it is the duty of the Executive to cause all necessary and proper efforts to be made to carry them into effect, as he is bound to do, with respect to the requirements of any other law.

Had the Indians, as they agreed to, stayed peaceably and quietly within the limits assigned to them, and abstained from molesting our citizens, there would be less objection to their remaining still longer, and until the country they occupy, or such portions of it as may be desirable, should be required for settlement and cultivation; though it would be far better for them to be with their brethren in the west, where effectual measures can be adopted for their gradual civilization and improvement. But they have wantonly violated their en-

gements, and on more than one occasion, without any known provocation, passed beyond their assigned limits and embroiled their hands in the blood of our citizens. The constant danger of outrages from them has become a serious evil, preventing the settlement and cultivation of the country anywhere in their vicinity, and thus causing a large and valuable section to remain waste, to the great injury of the interests of individuals, as well as to those of the State and General Government.

Circumstances and considerations of the above character led to another attempt, in 1849, to remove them; which, though attended with great expense, resulted in but very limited success. A large military force was sent to overcome them, and a number of their western brethren employed to influence and persuade them to remove, but only about seventy could be compelled or prevailed upon to comply with the wishes of Government. According to the best information that can be procured, from 450 to 500 still remain, and it has for some time been a subject of anxious consideration and reflection what course to adopt in order to the removal of this remnant of the tribe.

Experience has shown the inutility and wasteful expenditure of attempts to remove them by force. There is a large extent of country to which they can retreat, where the obstacles to successful military operations are insurmountable, and where the Indians can therefore easily elude almost any military force sent against them. To effect their removal in this manner, it would be necessary to employ an immense force, and at a vast expense—while the Indians becoming exasperated, would no doubt find opportunities for successful attacking, plundering and murdering the frontier inhabitants, as they frequently did during the late war against them.

Through the instrumentality and influence of their western brethren, persuasive means have been tried under very favorable circumstances and failed. There is but one other humane course, which, after the most mature consideration, the Department can devise or think of, that seems to hold out any promise of success. It is to engage some reliable and proper person, willing to encounter the toil and peril incident to the service—who will go among them, and by personal association, secure their confidence—gain and influence over the leading and more prominent individuals, and thus gradually incline them to consider the subject of removal more favorably, and to acquiesce in the wishes of the Government.

As you have had much experience in Indian Affairs and are well acquainted with the character and disposition of the Seminoles in Florida, and as entire confidence is reposed in your integrity, judgment and discretion, the Department has selected you to put this plan to the test of practical experiment, provided, you are willing to undertake it on the terms and conditions prescribed.

The Department would not feel justified in incurring any considerable expenditure in the mere attempt, and should it prove abortive, nothing but your actual and necessary expenses will be allowed; the

whole in no event to exceed the sum of \$10,000. Should you however be successful in your efforts to remove them, or any portion of them, a liberal allowance will be made, as in that case, the expenses will be very heavy, and you will have encountered much personal danger. As heretofore, with respect to those that have been removed, not only will a quantity of presents have to be made to the Indians, but considerable sums of money will have to be paid to them as a compensation which they consider but fair and just for relinquishing their residence in Florida. For these and many other expenditures which will be inevitable, it will be impracticable to procure satisfactory vouchers, and it will be impossible to arrange and settle the accounts in the ordinary mode. Under these circumstances the Department proposes to commute all the expenses of every description, including those personal to yourself, from the commencement of the service; and to allow in lieu thereof, a commutation of \$10,000 for the preliminary expenditures, incident to your endeavors to carry out the plan, and a given sum for each and every Indian removed, to cover all other expenses and demands whatsoever. After full consideration of all the circumstances and contingencies of the case, it has been determined to fix the latter amount at \$800 for warriors and \$450 for women and children, which will be paid to you on the certificate of the proper agent of the Government, or other satisfactory evidence of the delivery of the Indians, in the country of their brethren, West. And the same rate of compensation will be allowed for every Indian that shall die on the route from Florida to the Seminole country, West; subject, however, to a deduction of the amount that it would have cost to transport said Indian from the place of death to the place of destination. I am aware that this allowance is less than the amounts heretofore paid in many cases, to individual Indians, to induce them to remove; but I trust that it may prove sufficient to meet all expenses necessary to the accomplishing of the important object in view, and at the same time afford you a liberal compensation for the dangers and services you are to hazard and perform.

I enclose the form of a Bond which you will execute, with a penalty of five thousand dollars, (\$5,000) and security to be approved by me.

Very respectfully, your ob'dt Servant,  
L. LEA, *Commissioner*.

HOUSE OF REPRESENTATIVES, Jan. 6, 1852.

SIR:—You will see by a rough copy of a letter to the Secretary of the Interior, which I enclose, that I have presented to the Executive the subject of the removal of the Seminole Indians from our State.

Your suggestion that *surveyors* be sent into the country appropriated to the Indians, is approved by our Senators and myself, and by the Commissioner of Indian affairs, and I think by Mr. Stuart.

In carrying out this policy, it will be necessary to have in readiness a force sufficient to give protection to the parties of surveyors. I hope this force will consist of volunteers, or if not, that the "regu-

lars" be put under command of some other than an officer of the regular army. You may think my language rather strong as applied to the army, but the facts on one entire western frontier justify what I have said. And as to the matter in which we are directly interested, the removal of the Indians from Florida, I am satisfied that we can effect nothing, so long as the plan of removal is entrusted to officers of the regular army. I have not seen a word from one of them, nor heard of an act, for years, which looked to a plan for the speedy removal of the Indians.

I will advise you so soon as I have it in my power to communicate the action of the Executive.

Yours Respectfully,  
E. C. CABELL.

To Gov. THOMAS BROWN.

From the Hon. E. C. Cabell to the Secretary of the Interior.

WASHINGTON, January 4th, 1852.

Sir:—I enclose another communication just received from Gov. Brown, on the subject of the Seminole Indians, also a printed copy of the proceedings of the people of Jackson County. The Jackson County resolutions express the general sense of the people of Florida.—This County is in West Florida, far removed from danger, in the event of Indian hostilities. The Hillsborough resolutions, accompanying Gov. Brown's letter, indicate the feelings of those immediately on the frontier. They concur in urging the speedy removal of the Indians at every hazard. There is, in fact, but one sentiment throughout the entire population of my State, and that is that "the Indians *must* be removed," and that measures should be taken *at once*, either by the State or Federal Government, to effect this object.

We desire to know what will probably be done by the Federal Government, prior to any action by the Authorities of the State of Florida.)

In my interview with the President and yourself, and the Commissioner of Indian Affairs, yesterday, I gave the reasons why the Government should not longer delay the fulfillment of its *Treaty stipulations*—to relieve the people of my State from the blighting influence of the presence of these Indians, and why, in the absence of obligations imposed by Treaty, the citizens of Florida have a right to demand the removal of the Seminoles from the State.

I again ask your attention to the communications of Gov. Brown, and recommend his suggestions to the careful consideration of yourself and of the President.

I trust, sir, that action on this subject will not be delayed, and I will thank you to communicate with me at your earliest convenience.

I have but one other suggestion to make, which is, that I shall not entertain a shadow of hope that the object I have so much at heart will ever be accomplished, if its execution be committed to officers of the regular Army. Millions have been wasted by their misman-

agement since the effort was first made to remove the Seminoles.— And since the outrages in 1849, they have, at almost every step, added to the difficulty of effecting their removal. My own opinion is, and I believe it will soon be the opinion of the people of the U. S., that, *in our Indian relations*, the Army is a *nuisance*, which ought to be abated. I say this with the greatest possible respect for my friend, the Secretary of War, for whom no man entertains a higher regard than I do.

I have the honor to be,

Very Respectfully,

Your ob't. Servant,  
E. C. CABELL.

HON. A. H. H. STUART,  
*Secretary of the Interior.*

[Letter from Senator Mallory to Governor Brown.]

SENATE CHAMBER,  
Washington, 13th March, 1852. }

His Excellency, Governor BROWN—

MY DEAR SIR:—Enclosed herewith I transmit to you the original letter of the Secretary of the Interior to me, with a copy of my answer. Not having time to copy his letter, please return it to me at your convenience. I have not read or compared the copy of mine, but presume it to be correct.

Very respectfully, yours,

S. R. MALLORBY.

[Letter from the Secretary of the Interior to Senator Mallory.]

DEPARTMENT OF THE INTERIOR, }  
Washington, March 13th, 1852. }

SIR:—Your letter of the 2d instant was not received by me until the 14th, about which time a copy of it seems to have found its way into the hands of the Editors of the New York Herald, as the leading editorial of that paper published on the 6th inst. refers to it in the following terms:

"Senator Mallory, of Florida, has publicly called upon the government to adopt prompt measures for the removal of the Indians from that State. It appears that the Secretary of the Interior paid no attention to the representations made to him by the Florida delegation. We give Senator Mallory's letter in another column."

I have no comment to offer on the course you have thought proper to adopt on this subject. Of that, the public, to whom you have thus appealed, must judge. But, as the tendency, if not the object of your communication, is to impute negligence or a wilful disregard of the rights and interests of Florida to this department, I feel constrained to review the facts of the case somewhat at large to show that there is no just ground for such a charge.

It is true, as you state, that a month ago you addressed a com-

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munication to the Commissioner of the General Land Office, asking him to direct surveying parties to be organized for the purpose of surveying what is usually known as the neutral territory between the Indians and the Whites; and it is also true that in conformity with a suggestion made by me in an interview between the Florida Delegation, the Commissioner of Indian Affairs and myself, you did unite with Mr. Morton and Mr. Cabell in submitting a similar proposition to me, "a fortnight ago." You may recollect, however, that your communication was reduced to writing, at my instance, for the purpose of being deliberately weighed and considered and not as an ordinary letter calling for an immediate reply. I had frequently been appealed to in general terms, to do something for the relief of Florida, and whilst every thing that was suggested by the Department was objected to, no one seemed prepared to recommend a substitute. I desired, therefore, that you should submit a specific proposition, and the joint communication of yourself and Messrs. Morton and Cabell was the offspring of my suggestion.

That this Department had not been unmindful of the interests of Florida, appears, abundantly, from your own letter in which you state that "the Commissioner of Indian Affairs, whose views upon the subject correspond generally with ours, is now attempting their (the Indians) removal to the West through the agency of an Indian delegation under General Blake; and it is understood that this delegation will soon reach Tampa Bay." You then urge on me "the propriety of an immediate survey of the Indian District beginning with the reserve of twenty miles around it."

It is thus manifest from your own showing, that, at the time you undertook "to admonish the Government that nothing but the removal of these Indians from the State, and that speedily, can prevent the most disastrous consequences," you were fully apprised of the fact that active measures had been adopted, and were in progress for their removal. These measures, too, had been suggested by, and were progressing under the direction of "the Commissioner of Indian Affairs whose views upon the subject correspond generally with ours." So much for the implied charge of neglect of the interests of Florida by this Department.

But it is proper to go a little further in order to have a correct understanding of this whole subject, and I therefore beg your attention to a few additional facts.

It is true, as you state, that by the Treaty of Payne's Landing entered into May 9th, 1832, the Seminoles relinquished to the United States all their claims to lands in Florida and stipulated to remove therefrom within three years. When the time arrived, however, for the fulfilment of their engagement, the Indians refused to go, and the Florida War, with all its sacrifice of blood and treasure and its *fat jobs* to contractors, was the consequence of the attempt to enforce the provisions of the Treaty. After a desperate struggle "an arrangement" was entered into between the Government of

the United States and the Indians who remained in Florida, on the 11th of August 1842, which is thus described in order No. 27; from Col. Worth. "By arrangement with the few Indians remaining in the southern portion of Florida, between whom and the Whites hostilities no longer exist, they are permitted for a while to plant and hunt on the lands included within the following boundaries," &c.

After describing the boundaries the order proceeds, "within the boundaries thus described, no settlement can with safety or propriety be formed, and any persons making settlements within these limits will be subjected to removal in conformity with the law in reference to Indians and their places of residence. The forgoing temporary arrangement being in conformity with the instructions of the President of the United States, is communicated for the information of all whom it may concern."

This arrangement continued to be acquiesced in by all parties, until the 14th May, 1845, when difficulties having arisen from the proximity of the Indians to the Whites, it was modified by establishing a neutral territory of twenty miles in width along the entire border of the territory allowed to the Indians. This was effected by an order from the General Land Office, approved by Robert J. Walker, Secretary of the Treasury, and James K. Polk, President of the United States.

If there was anything wrong in this proceeding, therefore, the fault belongs not to the present Officers of the Government, but to those who were its authors. And it may be a matter of surprise to some, why there should now be this hot haste for immediate action, which will not even brook a fortnight delay for deliberation after a patient acquiescence of near ten years in the policy originated and adhered to by former administrations. For my own part, I freely acknowledge I did not act definitely on the proposition of yourself and your colleagues, because I was not prepared to act. I knew that a false step might involve the Government in War. I wished to act cautiously so as to avoid such a calamity. I determined to examine the question in all its aspects and to save the people of Florida from bloodshed. I believed that mild and persuasive measures would be more efficient than an armed force, to remove five hundred Indians, (which is about the whole number left) from the swamps and everglades of Florida, which were inaccessible to regular troops. I was not prepared to say that, at the very moment when we had an experienced agent and a delegation of friendly Indians among the Seminoles, using their best efforts, and with every prospect of success, to induce them to emigrate, it was wise or patriotic to exasperate them by sending parties of surveyors into the territory allowed to them and thus bring about collisions with them.—I desired, too, to learn all the facts in regard to the territory proposed to be surveyed, whether it was worth the cost of the survey, or fit for cultivation. I desired to inform myself, too, in regard to the probable cost of the work, and the means applicable to it, which



were at the disposal of the Department, before I plunged rashly into an enterprise involving a reversal of the policy of Mr. Polk's administration, and probably bringing in its train a War with all the calamities and expenses incident to Indian Hostilities.

I may have been wrong in requiring a few week's deliberation before I took a step fraught with such consequences. But it required no great stretch of charity to ascribe the delay to something of respect for the opinions of those who had preceded me, and an anxious desire to do what would redound to the benefit of the country, rather to an indisposition to protect the rights of Florida.

And now I must be permitted to state that the result of my investigation shows that there are no funds at the disposal of the department which can be applied to this service, and that the lands which you desired to have surveyed, by the official reports in the Land Office, to be, in the main, swamp lands, liable to overflow and unfit for cultivation. The Commissioner of the General Land Office, in his report, says "the lands in this neutral ground between the red and green lines, are, it is believed, in great part subject to periodical overflows and therefore unfit for cultivation, and liable, consequently, to be claimed by the State of Florida as swamp lands under the Act of September 28th, 1850."

By reference to the Act of 8th May, 1822, you will find also, that these lands could not be surveyed into tracts for sale and cultivation, inasmuch as that law prohibits the running of any other than township lines through lands of that description.

I trust, Sir, that the facts above recited, will be sufficient to show that no just ground exists for imputing to this Department any neglect of its duty or want of just regard for the rights and interests of Florida.

I am sir, very respectfully, your obedient servant,

ALEXANDER H. H. STUART, Sec'y.

Hon. S. R. MALLORY, Senate of the United States.

[Letter from Senator Mallory to the Secretary of the Interior.]

WASHINGTON, 27th March, 1852.

The Hon. A. H. H. STUART,

Secretary of the Interior.

SIR:—On my return to this city, a few days since, I had the honor to receive your communication of the 13th inst., in reply to mine of the 2d inst. Some of its statements and intimations surprised me, and to do justice to my State and myself, I am constrained to reply to it promptly and at length.

You state that my letter of the 2d inst. was not received until the 14th, "about which time a copy of it seems to have found its way into the hands of the editors of the New York Herald." As your communication replying to my letter was written on the 13th of March, you must have previously received it, and not on the 14th, as you state. This I presume is an error of the copyist, and "the 14th"

was perhaps intended to be the 4th; for my letter was in fact despatched to you on that day, and I do not perceive how you could reply on the 13th to a letter which was not received till the following day.

Appreciating and sharing the general anxiety of the people of Florida for the removal of the Indians from the State—an anxiety made known to the federal Government by the frequent and direct communications of its Executive, its Legislature, its press and its people, through a series of years—convinced that the prosperity of the State is immeasurably retarded by their presence—that there has not been a day since hostilities with them commenced when the life or property of the citizen was secure from their violence—that, in the language of Governor Brown's letters of the 5th of September and 22d October, 1850, addressed to the President and the Secretary of War, "*The people of Florida will not be satisfied with anything short of a speedy and entire removal of the Indians from the State. It is impossible that they can ever live in peace and quietness as neighbors. Humanity on behalf of the border settlements, cries aloud for their removal, and the people of Florida have borne for seventeen years, not only the inconvenience but the outrages and devastations of these murderous and treacherous savages, who have spared neither age nor sex*"—and knowing it to be the acknowledged duty of the Government to remove them, I had earnestly hoped and endeavored, during the past two months, to obtain some intimation of the views of your department upon the subject. My colleague in the House of Representatives, equally anxious to enlist the active interference of the Government, was, and I believe still remains, as innocent of all knowledge of its views and plans for their removal as myself.

In December last I called upon the Commissioner of Indian Affairs relative to the subject, and was apprised by him that an attempt was being made to remove them through the instrumentality of a Seminole Delegation from the West, under an experienced Agent. I was gratified to learn of any action upon the subject, though I entertained no confidence in the success of this measure, unsupported by other and distinct operations; for it is a plan that has repeatedly failed, and the people of Florida regard it as but the continuance of a policy which has generally resulted in increasing the obstinacy and the defiant opposition of the Indians. I therefore addressed a letter to the Commissioner of the General Land Office, on the 29th day of December last, (having personally explained my views to him previously,) in which I strongly urged upon him the propriety of ordering a survey of the country on the borders of the Indian District, known as the *Reserve*. This measure, of itself, I did not deem important; nor have I much confidence in any measures not supported by military force; but I had no doubt that the presence of a surveying party on the Indian frontier, properly protected, would produce a decided and favorable effect upon the

efforts of the Delegation, and augment its chances of success. Such also, as I learned, was the opinion of the Executive of the State. Moreover, it was a peaceful measure, in harmony with that of Gen. Blake, and one that involved no extraordinary expense, as the region in question must at some day be surveyed. To this communication I received no reply whatever, nor could I learn in a personal interview with the Commissioner of the General Land Office what his views upon the subject were.

On the — day of — last, my colleague of the House of Representatives and myself had an interview with you and the Commissioner of Indian Affairs, the object of which, as briefly stated to you at the time by me, was to ascertain whether the Government designed to adopt any measures for the removal of the Indians, other than that of the Indian Delegation, and if so, what they were and when they would be adopted; and I then stated my application to the Commissioner of the General Land Office, and the fact that no reply to it had been received. We adverted to the survey of the Indian country, and at your request we reduced our proposition to writing; and in reply to my inquiry as to when we might expect your answer, you remarked in two or three days at the farthest. We deemed it essential that the surveys should progress simultaneously with the operations of the Delegation.

At this interview we stated to you that the recent conduct of the Indians in our State, coupled with their known deadly hostility, had created intense excitement—that public meetings of our citizens were being held—that the frontier settlements were alarmed, and that we deemed it our duty to urge their speedy removal. The proposition submitted by us, signed by the two Senators and the Representative from Florida, was that the survey of the entire Indian country, beginning with the reserve, should at once be entered upon.

I left you supposing that our representations had gained your attention and produced some beneficial effect—that you appreciated the urgency and importance of the subject, and that you would reply to our communication as you had named. Your promise was not redeemed. The important duties of your position probably interfered with its fulfilment. Gen. Blake with his Delegation reached Tampa, prepared to penetrate the Indian country, and our proposition for a co-operative movement still remained unanswered. I was constrained to leave this city on the third inst., and deemed it my duty, before doing so, to make another attempt to call your attention to the subject which, in importance to the people I have the honor in part to represent, takes precedence of all others which concern the welfare of the State. I therefore addressed to you my note of the 2d inst., whose object you seem to have so misapprehended. It was not, as you have supposed, to “impute negligence or a wilful disregard of the rights and interests of Florida” to your Department, but it was to call your attention to the extraordinary circumstance that the interviews, statements and communications of the Florida

Delegation, made to officers of the Government specially charged with the subject, had been strangely unheeded—that the formal letter of its members, addressed to you at your own request, a speedy reply to which they required, and to which you had promised to reply “in two or three days at the farthest,” had not been replied to at all, though days had elapsed—that the people of Florida were determined that the Indians should be removed, and that any further delay on the part of the Government to fulfil its duty to the State in this particular, might be productive of lamentable results.

The character of your elaborate reply to this note, induces the belief that you have misconstrued both its object and the spirit in which it was conceived, as widely as I have the misfortune to dissent from some of your statements and intimations. On the 4th page you remark:—“It is true, as you state, that by the Treaty of Payne’s Landing, entered into May 9th, 1832, the Seminoles relinquished to the United States their claims for lands in Florida, and stipulated to remove therefrom within three years. When the time arrived, however, for the fulfilment of their engagement, the Indians refused to go, and the Florida war, with all its sacrifices of blood and treasure, and its *fat jobs to contractors*, was the consequence of the attempt to enforce the provisions of the Treaty.” Recalling your attention to my note, I will remark that I did not mention the Treaty of Payne’s Landing. The voluntary removal of the Indians from Florida, under the stipulations of that Treaty, was made to depend upon the contingency of their examination and approval of the country assigned them, by a delegation to be chosen by themselves. By a subsequent treaty with this delegation, made at Fort Gibson, they agreed absolutely to remove.

I do not perceive the propriety, relevancy, or pertinency of your italicised reference to “*fat jobs to contractors*”—being neither a federal officer nor a contractor, the usual parties to such jobs. If the Federal officers were connected in such jobs with persons out of the State, its people, in common with those of other States, were injured and not benefitted thereby. But if this be designed as an intimation that the citizens of Florida were the recipients or beneficiaries of these *fat jobs*, or that they at large reaped aught but devastated homesteads and immeasurable sacrifices from that ignoble contest, it is simply a bold and unjustifiable slander upon the State and its people. I doubt if it can be shown that there were twenty citizens of Florida who made a thousand dollars each by the *fat jobs* of the war. I trust, therefore, that you will agree with me that these jobs were attributable rather to that profligacy sometimes exhibited by Federal officers charged with the custody of the public money, to expend it without the shadow of legitimate authority, than to any transactions of the people of Florida.

In referring to the arrangement made with the Indians by Gen. Worth, in 1842, by which they were assigned a district of country for their temporary residence, an arrangement, as he expressly states

in his order No. 27 by which they were permitted *for a while* to plant and hunt, &c. you remark: "This arrangement continued to be acquiesced in by all parties, until the 14th of May, 1845, when difficulties having arisen from the proximity of the Indians to the whites, it was modified by establishing a neutral territory of twenty miles in width along the entire border of the territory allotted to the Indians. This was effected by an order from the General Land Office, approved by Robert J. Walker, Secretary of the Treasury, and James K. Polk, President of the United States. If there was any thing wrong in this proceeding, therefore, the fault belongs, not to the present officers of the Government, but to those who were its authors. And it may be a matter of surprise to some why there should be this hot haste for immediate action, which will not brook a fortnight delay for deliberation after a *patient acquiescence* of near ten years in the policy originated and adhered to by former administrations." It is difficult to decide upon the most striking feature of the foregoing paragraphs; whether it be the unhesitating assumption that Florida has, for ten years *patiently acquiesced*—whether if she had done so, she would be displaying any great degree of hot haste in now seeking to terminate this state of things, or whether it be an implied apology, for totally changing the character of the "arrangement," and for rendering that state of things, which circumstances at the time seemed to make expedient, and which was expressly temporary, fixed and permanent. Further examination of the subject will convince you, I think, that this suggestion of "patient acquiescence" of the people of Florida, is unfounded. If such has been the construction put upon their course, I am neither surprised that the treaty stipulations with the Seminoles have not been enforced nor that the suggestions of Florida's representatives so long remained unheeded. In the letter of the Secretary of War of May 29, 1849, to the Hon. Secretary Ewing, recommending the employment of the Indian delegation which soon after arrived in Florida, he says "the events now in progress plainly indicate that should they (the Indians) remain in Florida, they will require, at no distant day, the protection of the United States." I trust, sir, that no such contingency as this is now entertained. The people of Florida, so far from patiently acquiescing, in any arrangement for their presence in the State, have never contemplated the possibility that they would not be removed. *Patient acquiescence!* If the oft repeated and indignant remonstrances of the people throughout the State against the omission of the Government to remove the Indians—if the United voice of the people, the press, the Legislature and the Executive of Florida, protesting against their presence, be evidence of this patient acquiescence, then is your assumption sustained. The arrangement made with them by Gen. Worth was expressly temporary.—They were to be suffered "*for a while* to plant and hunt;" and the people, though fully convinced of the impolicy of this concession, were assured of the Government's determination to remove them speedily.

The arrangement was dictated by what was supposed to be the interest of the Treasury, and not by the interest of Florida, and the only part of that arrangement expressly involving the least benefit to her has never been carried out. The Hon. Jno. C. Spencer, Secretary of War, in a letter to Maj. Gen. Scott, dated 10th May, 1842, says, "anxious to curtail the *extraordinary expenses incident to the warfare and sincerely desirous of promoting peace, the President directs that Col. Worth be authorized, as soon as he should deem it expedient, to declare that hostilities against the Indians in Florida have ceased, and that they will not be renewed, unless provoked by new aggressions on their part. But it is deemed advisable that a force equal to at least two regiments be retained to form a cordon or line of protection, for the frontier settlements.*" It is hardly necessary to say that the two regiments were not retained; or that no cordon or line of protection for the citizens, and especially for those who made settlements upon the faith of this arrangement, was ever established.

I will not attempt to recite the many appeals made by my State to the General Government upon this subject; but I will call your attention to a few facts which exhibit anything but "*patient acquiescence.*" The General Assembly of Florida, on the 15th of March, 1844, on the 27th of February, 1845, on the 18th of December, 1846, on the 4th of January 1848, and on the 13th January 1849, passed Resolutions which were submitted to Congress and which were placed in the Departments, calling the attention of the Government to the urgent necessity of removing the Indians from the State; and within the last two years, a special delegation of her citizens was sent to Washington to press the matter, and its communication upon the subject is on file in your Department. On the 31st of January, 1849, the Legislature passed a preamble and resolution urging upon the General Government the necessity of confining them within their prescribed limits; and on the 12th of July, 1849, they suddenly, and without the least provocation or warning, attacked the settlement at Indian river, killed one citizen, severely wounded another, and burnt and pillaged their dwellings; and at about the same time they attacked and burnt the trading store on Pease Creek. A reference to the files of your Department will show that payment for these depredations was demanded and denied by the Indian Bureau, upon the ground that the law regulating trade and intercourse with the Indian tribes did not extend to Florida. The Executive of the State and its delegation in Congress renewed their appeals to the Government; and the protracted negotiations between Gen. Twiggs and Billy Bowlegs, and the intervention of an Indian delegation from the West—which were terminated by his absolute and defiant refusal to leave the country—were the results. On the 27th March, 1850, Gen. Twiggs announced to the Secretary of War that Bowlegs, in whom he "had placed the greatest trust" had suddenly broken off all intercourse and returned with his people to the swamps; and on the 15th of April, 1850, he wrote to the Secretary of War

that "all hopes of the peaceful emigration of the Indians were at an end; that it would be folly to talk to them any longer upon the subject, and that if the Government designed to remove them by force he was ready to commence.

On the 5th of September and 22d October, 1850, the Executive of the State addressed two urgent appeals to the Secretary of War, reviewing the conduct of the Indians, and insisting upon the necessity of removing them. Are these facts which are all well known to the Government, nothing more than the evidence of "*patient acquiescence*?" Worth's arrangement was unavoidably continued by the necessary employment of our troops in those stirring events in Mexico which shed so much lustre upon the administration of James K. Polk. Our proposition was to *survey the Indian District beginning with the Reserve*. You decline to do so, and state that these lands are, in the main, swamp lands, unfit for cultivation. I do not understand the means by which you have arrived at this conclusion. But a small portion of the Reserve has ever been examined or surveyed, and none of the Indian District has, to my knowledge, been examined or surveyed by Government employees, and our citizens who have examined it describe it differently. But if they are swamp lands, an additional reason for their survey, by township lines, as prescribed by law, exists, in order that the State may not be deprived of the benefit of them by neglect of the Government to enforce the treaty stipulations for removal of the Indians. By the Act of Congress approved 28th September, 1850, the overflowed and swamp lands unfit for cultivation, were vested in the State from the passage of the Act; and I would ask with what propriety can the Government assign these very lands to the Indians, and preclude their reclamation or occupation, and thus deprive the State of all the benefits designed to be conferred by the Act. Believing that the measure recommended to your consideration, if properly conducted, would aid in convincing the Indians of the policy of removing from the State, I regret that you have not deemed it expedient to adopt it. It is very desirable that hostilities with them should be avoided; and the survey of the country which they occupy, but to which their title is extinguished, is a peaceful measure, and it would show them that we look forward to the time when the lands must be sold and occupied. But whether peacefully or otherwise, they should be removed; and if force has to be employed, the most effectual would be the rifles of Florida and Georgia.

In adverting to the publication of my note of the 2d inst., in the New York Herald, you observe, "I have no comment to offer on the course you have thought proper to adopt on this subject. Of this, the public, to whom you have thus appealed, must judge." I am happy to say to you that, differing with you, as I have heretofore stated upon some points, and regretting that you have neither adopted the course suggested by the Florida delegation nor acquainted it with your own views with regard to the Indians, your abstaining

from comment upon the publication of my note, meets my cordial approval; and that I regard it as the evidence of a just appreciation of our relative positions and duties.

With great respect,

I have the honor to be, Your obedient servant,  
(Signed) S. R. MALLORY.

Letter from Mr. Cabell to the Governor.

HOUSE OF REPRESENTATIVES, Jan. 14, 1852.

*My Dear Sir*: I am in receipt of your communication of 14th instant, enclosing copies of letters from J. Summerlin, Esqr., and Dr. A. Braden, which I have transmitted to the Secretary of the Interior, and earnestly urged *action* in the premises. I hope to be able to send you, in a few days, the result of this application to the Executive. I think there will be an agreement among us all, Governor, Senators and Representative, as to the best plan to be adopted.

I have given notice of a bill to *Survey* the Indian country, and only wait the action of the Department to present it.

I have presented the petitions of Bray and Ballard, and hope they will be remembered.

Gov. THOMAS BROWN.

Yours, very truly,  
E. C. CABELL.

From J. J. Marshall to Governor Brown.

NEW SMYRNA, FLA., January 26th, 1852.

Gov. BROWN, Sir:—I heard a few days ago, that a half dozen white men of the Fort Gatlin settlement in the South-west part of this (Orange) County, had recently driven in from the head waters of the St. Johns, one hundred and twenty hogs, belonging to the Indians; and that the same persons would go again, soon, to drive in more hogs, and ponies also.

The excuse of A. Jernigan, (who I suppose heads the party,) is, that the Indians have killed his cattle. My information was received through our Sheriff elect, Elijah Watson, of Enterprise, Fla., who was at Jernigan's at the time, and may be relied on.

Messrs. J. D. Sheldon, D. Dummett, and M. O. Burnham, all well acquainted with the Indian character, think that the Indians will certainly retaliate.

If prompt measures be not taken to repress these outrages, I fear a conflict will be inevitable.

Respectfully yours,

JOHN J. MARSHALL.

P. S. I have communicated this information to the Solicitor, but it was deemed proper to write to you also.

From the Governor to John J. Marshall, Esqr.

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, February 10th, 1852.

*Dear Sir*:—Your letter of the 26th of January, was received by the last mail. I have received letters from several other persons on

the same subject, and one from Mr. A. Jernigan, giving me an account of a scout which he had just made on the head of the St. John's River. He says he saw Indian signs and some Poney tracks, and at their Camps beef bones, which he considered evidence of their having destroyed Stock. But he said nothing about his having captured any hogs. If these Indians are strollers, outside of their boundary, I cannot suppose that they could properly have stock with them; I think it, therefore, probable if they had hogs with them, that they were stolen from the settlements. I presume this must be the small band of Indians called by Bowlegs, "outsiders," and which he called on Col. Winder to capture and send in to him in Irons. If so, it must be a very small band, and not capable of doing much damage to the settlements, as they could not expect any help from the other Indians, and I suspect will be very glad to keep out of the way of the Whites; yet it would be proper for the people on the frontier to be on their guard; and if danger should be apprehended, to embody the Militia in the vicinity, which the Militia Law authorizes and provides for in cases of sudden or apprehended invasion.

I have replied to all who have written to me on this subject, and advised this course, and have expressed my regret that anything should be done by the settlers on the frontier, which would have a tendency to provoke the Indians to retaliate, or would be calculated to retard the measures now in progress for the peaceable removal of the Indians by the General Government.

I have seen in the Newspapers that Gen. Blake, the Special Agent employed by the Government to remove the Indians, had arrived at New Orleans with a deputation of Western Indians, and probably by this time has reached Florida, and although I confess I have not much confidence in the success of the scheme, I am willing to give it a fair experiment. I am, however, urging upon Congress an appropriation for their immediate and forcible removal, and I think it will be granted, particularly if this contract with Gen. Blake should fail. We shall have no quiet till these Indians are all out of Florida, and the General Government is bound to see it done, for the State has not the means to accomplish it. I feel great anxiety for the condition of the people on the frontier, and have continually urged their exposed situation upon the Authorities at Washington; and I have strong hopes that something speedily will be done; and in the meantime, I will do everything in my power for the safety and protection of the people on the exposed portions of the frontier.

I am, Very Respectfully,

Your most ob't. Servant, &c.,

JOHN J. MARSHALL, Esqr.

THOS. BROWN.

From A. Jernigan to Governor Brown.

JERNIGAN, FLA., January 19th, 1852.

His Excellency, THOMAS BROWN, GOVERNOR OF FLORIDA.

Dear Sir:—I have just returned from off a scout—I saw no In-

dians, but an abundance of their signs. I was near the St. Johns River about two townships south of this: there I saw the signs of a large body of Indians. They appear to be mostly mounted, and we saw their poney tracks within the range of our stock, and beef bones near their camps. The mail has just got in from Tampa, and the mail rider tells me that he saw the lights of their fire on each side of the road, last night, while on his way here.

There have already five families left their homes, four of whom have entirely left the neighborhood, and the mail contractor has just informed me that he would not send the mail through to Tampa any more until the times looked less alarming. I hope your Excellency will view our situation in the proper light, and send a sufficient force to keep them within their own bounds at least. I have a small force and shall do all that lies in my power to protect the inhabitants of this vicinity. I should have raised the force agreeable to your order, but I held no commission as required by the militia law, and thought in that case, that I had better report to you by mail and await your further instructions; and should your Excellency do me the favor to give me a commission to raise a company to protect the frontier or to assist in removing the Indians beyond the limits of our State, I will assure your Excellency that I will have a company in the field at the shortest notice, and will pledge myself to perform good and efficient service. I could keep a force in the field in active service, sufficient for the protection of this vicinity, for some two months, without the look of pay but for the scarcity of provisions; there was but little corn made in this vicinity last year, and none can be obtained here.

I have the honor to be very respectfully,

Your Excellency's most ob'dt serv't.

A. JERNIGAN.

From the Governor to Capt. Jernigan.

EXECUTIVE DEPARTMENT,  
Tallahassee, February, 10, 1852. }

Dear Sir: Your letter of the 19th January was received by the last mail, and by the mail previously, I received a letter from Mr. David Provence, of Ocala, dated the 22d January, communicating a report which he had just received from a man named "Harvey," who had reached that place with another man, directly from your neighborhood. This man says that he was with you on a hunt, with six others, when you came upon a party of Indians and killed four of them, and captured some hundred and twenty hogs and some poneys, and that the settlement was in great alarm, fearing that the Indians would retaliate, and that he and several others had fled from the settlement on that account.

Mr. Provence's object in writing to me was that I should authorize him to go into the settlement, and if necessary, raise a Company for the protection of the people. But, I replied to him, if there was any truth in the report, I knew you would give me a full account of

it, and if there was any danger apprehended to the settlement, you had authority to call out men for its protection. Under the existing laws, I have no authority to commission officers until they are elected by the men. This is the Militia regulation; and under the act of the last session of the General Assembly authorizing me to raise a regiment of Mounted Volunteers for the purpose of removing the Indians, should the General Government make provision for that purpose, the same rule is required, that the men shall elect their officers; but in case of an attack by the Indians, or of danger threatened, the case would be different. The people could assemble and appoint some one to command, if there were no commissioned officers in the district; any one could act in a case of emergency, because there would be no time for delay, and self-defence is the first law of nature. But you ought to have commissioned Militia officers in every district on the frontier. I have called on the Generals and Commanders of regiments, repeatedly, to have the Militia properly organized, and if they will not attend to their duty, or if there is none to perform it, if the people will assemble and elect officers, and report their names to me, I will commission them immediately.

The State has not the means to send troops to the frontier for its protection, at this time. All the money in the Treasury would not be sufficient to supply sustenance for a regiment of mounted men for ten days. You say provisions are scarce in your vicinity. They would, therefore, have to be transported from a distance at a heavy expense. I am now urging upon Congress to make an appropriation for that purpose, and have great confidence that it will soon be done; and, in the meantime, the active men on the frontier must make suitable provision for its defence, in case of actual danger.

I suppose the Indians, whose signs you have seen, must be the band called by Bowlegs "outsiders," and which he called on Col. Winder to capture and send in to him in irons. Of course, it cannot be large, and being outlawed by their nation, they would hardly attempt an attack on the settlements, but would rather be glad to keep out of the way of the whites. I have received several letters from the frontier, from persons who think the hogs you have captured belonged to the Indians; but if they are outside of their boundary, I cannot see what business they have with stock with them. I think the greater probability is, that if they had hogs, they stole them from the settlements.

I have seen in the newspapers that Gen. Blake, the Special Agent employed by the General Government to remove the Indians, had arrived in New Orleans, with a deputation of western Indians, and perhaps, before this time, he has reached Florida. And although I confess I have not much confidence in the success of his scheme, yet I hope he will be allowed to make a fair experiment, so that in the event of his failure, there may be no grounds for charging it to any improper interference on the part of the settlers on the frontier. Therefore, I trust that whilst proper steps are taken to guard and protect the frontier, and to prevent any depredations from the Indians

crossing over their boundary, that nothing will be done, unnecessarily, to provoke them to retaliation, or to give cause of complaint against the whites.

From the information I have recently received from Washington, I have great confidence in the opinion that Congress will make an appropriation for the immediate removal of the Indians, if the contract with General Blake does not meet with immediate success; and, in that event, State volunteers will be raised for that purpose, and I shall take all I can get from the frontier: so that, if you have an idea of raising a company, you had better keep the men in readiness. They will answer for any emergency that may occur, and you will be in readiness, should an appropriation be made for any call, to be immediately mustered into service.

But I would remark, before you could be mustered into service, the officers must be elected and commissioned, although, in a case of emergency, they could act without a formal election and commission. I am, very respectfully, yours truly,

Captain A. JERNIGAN

THOS. BROWN.

From H. E. Osteen to the Governor.

MELLOSVILLE, January 19th, 1852.

His Excellency, THOMAS BROWN, Governor of Florida:

Sir:—Capt. A. Jernigan has been out on the St. John's River and has taken from the Indians 120 head of hogs that I have no doubt was the property of the Indians; and the people are well aware that the Indians will have satisfaction for their lost hogs, and we apprehend there is danger of their making an attack on the frontier. The Indians were out of their boundary, and from what signs have been seen, they have been there for a length of time. The names of the men that were on the scout were as follows: Aaron Jernigan, Sen., Aaron Jernigan, Jr., Isaac Jernigan, John B. Patrick, Owen Simmons and Neadham Yeats, making six in number.

As I am of opinion that there will be some hostilities committed on the frontier in a short time, I ask your Excellency for an order to raise a company for the protection of the frontier. I can raise a company in a short time, and I shall commence enrolling men as fast as I can for the protection of the frontier, as the people are very much confused at this time, and unless we have protection very soon they will have to leave the country for the Indians. Please give your protection to us.

I am sir, your most obedient servant,

H. E. OSTEEN.

From the Governor to Mr. Osteen.

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, Feb. 10, 1852.

Dear Sir: I received by the last mail your letter of the 19th January, and I also received one from Capt. Jernigan, relating to the same subject, to which I have replied.



I should regret, exceedingly, if anything were to occur on the part of the frontier settlers to provoke the Indians to acts of hostility, which might interrupt any arrangement on the part of the General Government for their peaceable removal. I have seen in the New Orleans papers that Gen. Blake, the Special Agent employed by the Government to remove the Indians, had arrived in that place with a deputation of western Indians, and it is probable, by this time, he has arrived in Florida; and, although I have but little hopes of his success, yet I trust there will be no cause given for charging his failure to any act on the part of the people on the frontier. I am now urging upon Congress an appropriation for the immediate removal of the Indians, and if this scheme of Gen. Blake's fails, after a fair experiment, I have no doubt the appropriation will be made, and speedy steps be taken to effect their removal.

I cannot suppose, however, that much danger to the settlements need be apprehended from this little band called by Bowlegs "outsiders," and which he wanted Col. Winder to capture and deliver to him in irons. They must be few in number, and would hardly make an attack on the settlements, knowing that they would not be supported by the other Indians. I think the greater probability is that they will take good care to keep out of the way of the whites, who will, of course, be on their guard and keep a look-out for them.

If these Indians are strictly outside of their boundary, I cannot see how they could have a stock of hogs with them. If any hogs were taken from them, I think it most probable they were stolen from the settlements.

I have no authority to issue an order to any one to raise a company. By the Militia law of this State, in case of an invasion or danger threatened, any Militia officer in the vicinity can call out the Militia to protect the frontier; but all Militia officers must be elected before I can commission them. If there are no officers in commission in your district, on an election being made, and returns to me, the commission will be immediately issued.

The last Legislature authorized me to raise a regiment of Mounted Volunteers for the purpose of removing the Indians, if the General Government would make suitable provisions—and I am now in correspondence on that subject, and have strong hopes that it will soon be done. But if it is not very soon done, the State must take the matter in hand; but still it will be necessary that some provision be made for the support of the troops which may be called into the service, for the Treasury of the State would not be adequate to ten days' support of a regiment on the frontier, at the heavy expense which would be required for transportation. Troops could not be kept on the frontier without supplies, which must be obtained at great expense, and that is the reason why the General Government is urged to make an appropriation, and which, I believe, will very soon be done. As soon as it is done you shall be apprised of it; and in the meantime you might be getting your company in readiness, if you desired to raise one, which would serve for present emer-

gency if one should occur, and be ready to be mustered into service at once should a call be made. But, I would remark, before you could be mustered into service, the company must elect their officers to be commissioned.

I am, very respectfully, yours very truly,  
THOMAS BROWN.

Mr. H. E. OSTEEN.

[From General Hopkins to Governor Brown.]

PALATKA, February 14, 1852.

To his Excellency THOMAS BROWN:—

MY DEAR SIR:—I herewith enclose, for your consideration, a copy of a letter from Captain Hughey, residing above Lake Monroe. I have received lately many similar letters from his vicinity. You are aware I have no authority to comply with his call, unless through your orders. Jernigan has, beyond doubt, slain two or more Indians, and report says he acts by your orders. This I doubt, however. If measures are not speedily taken to suppress this border warfare, we shall be prematurely involved in a war that will depopulate our frontier, and cause hundreds to quit the country.—Without the aid (*pecuniary*) from the United States, it would be folly to embark in such an expedition. May I suggest to you the policy of sending a special agent into that section, accompanied by a guard of some ten men; and, if necessary, have a talk with the scattered Indians—at the same time investigating the conduct of Jernigan and others in relation thereto—the State paying their actual expenses. If you so determine, I offer my services. I have no doubt our citizens alluded to had been much annoyed by the Indians, and they have only done their duty in killing them, as a matter of self-defence: still, State policy requires an impartial investigation and suppression of hostilities, until we are better prepared. I am particularly interested, having both my sons now in the wilderness near their border, (surveying)—a general out-break would inevitably destroy them both. A speedy reply is respectfully solicited.

I remain, dear sir, yours very truly,

B. HOPKINS.

N. B. By steamboat I can reach in two days within three days' ride of the section of country where the trouble exists; and, if necessary, shall I order out a small force for the defence of the inhabitants? You know this is the beginning of the crop season, and if the people are driven from their homes, they will suffer for the ensuing two years, if the coming crop is lost. Your orders and suggestions will be punctually obeyed.

B. H.

(COPY.)

MELLONVILLE, February 10, 1852.

SIR:—Jernigan has been with the Indians again. He has captured two, and they think another was killed. The war is opened

Appendix 8



—the war hoop has been heard in our land. We know not what to do, or may become of our families. We want aid speedily: we think our families are in great danger. Yours truly,

(Signed,) JOHN HUGHEY.

To General B. HOPKINS.

[From Governor Brown to General Hopkins.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, February 21, 1852. }

MY DEAR SIR:—I have received by the mail of this morning your letter of the 14th instant, enclosing the copy of a letter addressed to you by Captain John Hughey, of Mellonville.

I have received some half dozen letters from persons on the Indian frontier making the same complaint of the movements of Captain Jernigan—some charging that he had killed as many as *four* Indians. I have no doubt there is much exaggeration in the whole of these accounts.

I have received letters from Captain Jernigan, detailing the result of his scouts. In the first, he had six men with him, and saw Indian trails, and found some of their camps, and drove off some hogs, but saw no Indians. In the second scout, he was joined by five men from Tampa, making about twelve men in the party. They fell in with, and captured without injury, a warrior, his wife and child, and an old squaw, (mother of his wife,) and saw another Indian at a distance, who from his manner, led them to believe there were other Indians near him; and refusing to surrender, he was fired at as he ran, by one of the party: but, having a saddle on his back, which he dropped, it was found that the ball struck the saddle, without hurting the Indian; subsequently the warrior and his wife escaped, leaving in the possession of the party the squaw and the child. I have no doubt that this small band of Indians, who have been intruding on the settlements, compose the band called by Bowlegs "outsiders," whom he wanted Colonel Winder to capture and send in to him. I therefore cannot think there is much danger to be apprehended from them, as they are outlawed by their own tribe, and I imagine would be very glad to keep out of the way of the whites. But to those who have written to me, expressing alarm for the safety of the settlements, I have replied, referring them to the provisions of the Militia Laws of this State in cases of sudden or threatened invasion, and have advised them to be prepared and on their guard, if they have cause to apprehend danger; and have said that, if the Indians would pass over their boundary, to the terror of the settlements, they must abide the consequences.

This is the sum of all the orders given by me to Captain Jernigan. The report in the "News," that I have given Captain Jernigan orders to raise a Company of Mounted Volunteers, is wholly unfounded.

I agree in the propriety of your suggestion, of sending a special

agent to the frontier to enquire into these matters; and you are, therefore, hereby appointed to the performance of that duty, with such a guard as in your judgment you may deem necessary. You will enquire into and obtain all the facts in regard to the complaints made against the movements of Captain Jernigan, or any other white men on the frontier. You will endeavor to hold a talk with any of the Indians who have crossed over their line into the white settlements, and if you can prevail on any of them to surrender, or can get possession of any of them, you will, with the old woman and child captured by Captain Jernigan, cause them to be delivered to any United States Officer or Indian Agent at the nearest military post to you, seeing that no violence is done to them, and that no property belonging to them is taken away from them. You will also ascertain what military force the United States have on the Indian border—its number, the distance between the posts occupied, and its capacity to protect the frontier settlements from Indian depredation and outrages. All of which you will make due report of to me.

If there is not a sufficient force of United States troops on the Indian frontier for the protection of the settlements, and you have cause to believe there is imminent danger of *invasion* or attack from the Indians, you will order out the militia of the *vicinity*, as provided by the Militia Law of this State, for their protection, until a sufficient force can be assembled for their relief.

Relying upon your judgment and discretion, you have full and ample authority to adopt such measures as you may deem necessary for the protection and security of the people on the exposed portions of the frontier, seeing at the same time that no act is done, not required by the necessity of the case, which would have a tendency to provoke the Indians to acts of hostility, or which would be likely to interrupt the arrangements which the General Government has now in progress for their removal. I am, with high respect,

Your most obedient, &c.,

Major General B. HOPKINS, THOS. BROWN.  
*Second Division Florida Militia.*

[Extract from a letter to the Executive from Capt. Aaron Jernigan.]

ORANGE COUNTY, February 9, 1852.

"On the 2d February (instant) I left again, accompanied with five men from Tampa, (one of whom was Captain Sparkman,) making my command in all twelve men, for the purpose of closely examining our cattle range. At or about twenty miles South and East, saw signs of Indian feet, and followed their trail at a brisk rate for about fifteen miles westerly, when we came up to them, having previously passed many recently deserted camps. The party consisted of one warrior, his wife, mother and child, whom we captured. Luckily, having a good interpreter with us, (Mr. Kendrick,) we were enabled to glean some information from them. The Indian stated that

a tribe of Miccosukies were near him, who kill "white man's cows plenty"—"who drive off plenty cows"—"he don't do it"—information which I believe to be correct; for out of 2,000 head of cattle, I doubt whether I could find half now. On this warrior was found a paper purporting to be an order on the Quartermaster for compensation for thirty-three hogs delivered at Fort Meade, with the signature so torn that we could not make it out. This satisfied me that he was one of those who agreed to emigrate some two years ago. The Indian called himself a brother-in-law of Bowlegs, and said that the Miccosukies stay most of their time on Lake South.)

"Forcing the warrior to pilot us, we had proceeded westwardly only a few miles when we discovered them. It being then night, we agreed to wait till day-light, as the ground would not admit of night work. In the morning, leaving the prisoners in charge of Capt. S., I proceeded with three men cautiously to their camp, but found them absent, apparently hunting, as their things were laid up out of the reach of their hogs. Leaving four men at this place concealed, taking three with me, I found it here necessary to dismount to trail them, and had gone but a short distance when we heard the war-whoop, and saw Capt. S. in full chase of an Indian, but lost him, owing to the multiplicity of bay-galls near us. Separating again, in about half an hour Capt. S. saw another, who evidently was hostile, as he would neither lay down his arms nor come up, Capt. S. presuming there were others near him in ambush from his conduct. On the arrival of Capt. Summerlin, the Indian ran, with a saddle on his back, and was fired upon by Capt. Sparkman, causing the saddle to fall with a ball hole in it, which evidently saved this Indian. Capt. Summerlin also fired at too long a shot. Being now near the South end of Lake Topekelega, the signs of Indians were becoming thicker, together with hogs, cattle, and poney signs in abundance. Deeming it proper to separate my command again, I left the prisoners with Capt. S., with five men, just sufficient to drive the hogs and carry off the baggage of the prisoners, as I did not wish them to lose anything, and had promised this to them.

"While I was absent, I regret to state that the warrior and his wife escaped from Capt. Sparkman, while leading them through a thicket, leaving an aged squaw, his mother and child, about one and a half years old, behind. He was fired at by Mr. Kendrick, but without doubt missed. I think it proper to state that Captain S. was compelled to be off his guard, as we had no provisions, and I had directed him to kill the first beef of mine he should see, for us, which made it necessary at times to be a little distance from them.

"The Indians were treated by us with kindness. I told them plainly that we would do them no harm, but would send them to their agent at Tampa—that they were out of their boundary, and killing our cattle, which made us take them prisoners. I was particular in explaining to them that we did this on our own individual responsibility, so as not to compromise the United States or

our State in the matter. This Indian left his poney and rifle with us—what shall I do with them?

"The squaw and child are at my house, and will keep them until I hear from the agents. "AARON JERNIGAN."

[From Captain Jernigan to Governor Brown.]

JERNIGAN, FLORIDA, February 16, 1852.

His Excellency THOMAS BROWN,  
Governor of Florida:

DEAR SIR:—On Tuesday, the 24th instant, I shall organize a company of eighty men, rank and file, agreeable to the last Acts of the Legislature. I am at a loss how to obtain supplies until I can hear from you again, but shall try to obtain them by pledging of myself with the State: as, under the present depressed situation of this vicinity and the frontier generally, I think that the services of a full company is indispensable, and do not think that one company is sufficient for the emergency of the case; as, from what I have already seen and what I know of the locality of the country, I do not think that I would be at all out of the way in saying that at least one half the tribe is out side of their boundary, unless they be more numerous than the usual estimate of the United States officers.

I shall, under the present depressed condition of this vicinity, take the responsibility of calling into service waggons and teams sufficient for the transportation of supplies necessary for my command, having full confidence that your Excellency will have an officer dispatched to furnish me the necessary supplies and transportation, as soon as you are apprized that I am in the field; and hope, at the same time, that your Excellency will recognize my acts, in regard to the purchase of supplies and hire of waggons, all of which shall be economical.

I also have to inform you that on Monday, the 9th instant, while I was absent at Mellonville after my mail, the old Indian squaw that I had brought in on the day before hung herself, while left alone in a little house for some twenty or thirty minutes. It appears that among their plunder which I allowed them to take along was some strings cut off of a Bear skin: she took one of these and fastened one end over head, and put the other end around her neck, with a slip noose, and swung off, and choked herself to death.

I have the honor to be, very respectfully,

Your obedient servant,

A. JERNIGAN.

[From Governor Brown to Captain Jernigan.]

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, February 27, 1852.

DEAR SIR:—Your letter of the 16th instant was received by the last mail. I have given no authority to raise Volunteers under the Act of the last General Assembly. That Act authorizes the raising

of "a Regiment of Mounted Volunteers, to be commanded by one Colonel," &c., and is a special Act, to be put into force upon circumstances contingent: "to co-operate with any force of United States troops which the President may order to Florida for the purpose of removing the Indians," after corresponding with the authorities of the proper Departments at Washington and obtaining an appropriation for that purpose, and which I am now urging upon Congress; and until the result of my application is known, I cannot authorize the raising of Volunteers under that Act. But any of the Militia which you may be under the necessity of raising for the immediate protection of the frontier settlements, will be received as Volunteers, if that Regiment is ordered to be raised, provided they are able bodied men, acquainted with the woods.

If it is necessary to assemble a Militia force for the immediate protection of the frontier, it must be done in accordance to the provisions of the General Militia Law, to which I referred you in my former letters, and to which I will again more particularly refer you, which says: "If a sudden invasion or insurrection shall take place or be threatened on any portion of the State, the commanding officer of the Militia, or any portion thereof adjacent thereto, shall be, and he is hereby, authorized and enjoined to order out the Militia under his command to repel or suppress the same; and troops thus ordered into service shall be subject to, and governed by, the Rules and Articles of War of the Government of the United States, and shall be entitled to all the pay and emoluments of the same while so in service; and the said officer shall forthwith report the same to his commanding officer, and to the Executive by express." See Acts of Adjourned Session of the General Assembly, 1845, Page 88, Rule 9 of the 35th Section, Chapter 39.

Troops so called into service must, of course, be discharged as soon as the necessity ceases. But having received repeated and numerous letters from persons situated on the frontier, expressing fears for their safety on account of the movements of the Indians, and as you informed me that there were no officers of the Militia in your district in commission, I have ordered Major General Hopkins to repair to the frontier for the purpose of seeing into the condition of things, and if he thinks danger is to be apprehended, for the security of the settlements to call out a force of the Militia sufficient for their protection, and also to organize them and superintend the election of proper officers, and report their names to me for commission; and I refer you to him for orders and instructions.

The tragical manner of the death of the unfortunate Indian woman which you have reported, is very much to be regretted. I hope she was treated kindly, and that you will have the child taken care of until it can be delivered into proper hands. I do not doubt your good treatment towards these unfortunate beings, but it is my duty to require that in all instances where they are captured that they be treated with kindness and humanity, especially the women and chil-

dren, until they can be delivered up to some United States officer or person authorized to take charge of them.

I have seen by the newspapers that three companies of United States troops have arrived in Florida, and I have information that General Blake, with a deputation of Indians from the West, have arrived at Tampa for the purpose of trying to remove the Indians peaceably. These movements, I hope, will have the effect to allay the anxiety which has prevailed, and render the embodying of the Militia unnecessary to protect the frontier.

I am, respectfully and truly,

Your most obedient, &c.,

THOS. BROWN.

Captain A. JERNIGAN.

[From Governor Brown to General Hopkins.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, February 29, 1852. }

DEAR SIR:—I have received a letter from Capt. Jernigan informing me that he was about to raise a company of mounted volunteers of eighty men, under the Act of the last General Assembly. Having given him no such authority, I have written to him, that I have sent you to the frontier to look into the state of things there, and if you think the safety of the people on the frontier is threatened by the Indians, that you have the authority to call out a militia force from the vicinity for their protection and to superintend the election of the proper officers, who will be commissioned on your certifying their names to me; but that troops cannot be raised under the Act of the last General Assembly, unless Congress makes an appropriation to the State for the purpose of removing the Indians. I enclose you a copy of my letter to Capt. Jernigan which will give you more clearly, my views on the subject.

I find from the letters I have received, that there is great alarm and excitement among the people on the frontier, on account of the movements of the Indians. If you think that there is good cause for alarm, and that the situation of the people on the frontier is insecure, you will organize, as provided by the General Militia Law of this State, a sufficient force for their protection, and take command of it, and such steps as may be required for its subsistence, and appoint such Staff Officers as the necessity of the case may demand, and in that case I will suggest the name of Arthur Ginn, Esq., of Enterprise, as qualified for the duties of Quarter Master. He is an old friend whom I have known for many years, and who is competent and reliable, and capable of rendering you great assistance; and Dr. A. S. Spear, of the same place, as Surgeon. Dr. S. I believe acted in that capacity, in the last Indian disturbance, and was a member of the General Assembly, from Orange County, a year or two ago. He is an estimable gentleman, and stands high in his profession. Both of these gentlemen can render you essential service

in your Staff, should you find it necessary to raise troops for the protection of the frontier; and both will be commissioned upon your nomination.

I have seen by the newspapers, that three companies of United States troops have arrived in Florida, which I hope will render a State force unnecessary. I have received information, that Gen. Blake, the special Indian Agent, has just arrived at Tampa with a deputation of Western Indians, to try and coax off Bowlegs and his tribe. What effect their operations may have upon the temper of the Indians, time must tell. Capt. Jernigan informs me that the old Indian woman, captured by him, has hung herself; and several who have written to me, say that Indians have been killed in the scouts that have been made. You will inquire into all such reports, and give me the best information you can obtain, and particularly into the situation of the child who was captured with the old woman, and see that it is taken care of until it can be delivered up to some proper person; and I desire that you will give especial orders, that all Indians taken as prisoners or that may surrender, must be treated with kindness and humanity, and particularly the women and children, until they can be delivered to some United States Officer, or Agent, and that no property must be taken from them.

You will communicate with me as often and as fully as you can. Much is left to your judgment and discretion, taking care to run the State into no needless expense.

I am respectfully &c.

Major General B. HOPKINS.

THOS. BROWN.

[From Captain Sparkman to Governor Brown.]

HILLSBOROUGH COUNTY, FLA., February 28, 1852.

SIR:—Believing, as I did, that the times required scouting on the frontier, and there being no militia officer anywhere that I know of in South Florida, to give orders, or report to in cases of emergency, I appointed a meeting and organized a company, as you will see by the accompanying election returns. The election was conducted by citizens, one of whom was a Justice of the Peace, and was no doubt fairly and honestly conducted, as the returns will show, and I requested they should be sent directly to you. This I have done without law or orders, leaving the matter to your discretion, to determine as you may think most proper. You see at once the condition we on the frontier would be in, in case of a sudden outbreak of the Indians, which is much feared. Not a militia officer anywhere to order out a force, or a rallying point on this whole frontier! Such being the case, and witnessing a similar circumstance in forty-nine, I have taken this course, in order to prepare for the worst, until I could hear from you on the subject. If you feel authorized in any way to commission on the returns sent, you will direct to High-apucksassy P. O. Meantime, I shall try to keep up a scout on the frontier till I hear from you on the subject.

There has nothing occurred with regard to Indians since my last. Gen. Blake has arrived and gone on to meet the Indians. He says he shall tell them in plain terms that they must leave the country; and it is generally believed that when he does, they will be troublesome, and for this reason, if no other, it is generally believed there ought to be an organized force on the frontier, acting and ready to intercept any attempt that might be made, till they could be strengthened by other forces.

You will understand that when I say "I" in this communication, I do not intend to be understood that I am alone in the matter—that it is the citizens generally, as the returns will show. I would not venture my opinion alone, in so important a matter; but I believe I speak the sentiment of the frontier generally. There is generally a feeling of uneasiness, and it would take but very little, if there is not something to give them confidence, to break up those on the immediate frontier. There are some settlers, out on the borders, three or four miles apart, and very much exposed to danger; and the only way they could be fully protected, would be by active scouting. I have now about forty enrolled, and ready for active service.

Hoping to hear from you soon,

I am, very respectfully

Your ob't. serv't.,

S. L. SPARKMAN.

To His Excellency, THOMAS BROWN,  
Governor of Florida.

[From Governor Brown to Capt. S. L. Sparkman.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, March 14, 1852. }

DEAR SIR:—Your letter of the 28th February, enclosing the returns of an election of Militia Officers for the third company, District of Hillsborough County, was received by the mail of this morning and I hasten to reply to it.

Having received a number of letters from persons residing on the frontier, complaining of the movements of the Indians in crossing their boundary into the settlements, which raised the fears of the people for their safety, on account of the want of organization of the militia to insure protection; I ordered Maj. Gen. Hopkins of the 2d division of the Florida Militia to repair to the frontier, to examine into the state of affairs, and to see that the Militia is organized, and steps taken for the proper defence and protection of the people, and I have just received letters from him, informing me that he would be at Fort Gatlin by the 8th or 9th of this month, and no doubt you will hear of him before you receive this letter. You will therefore report to him as he is in command. The election returns which you have made, are of course not in conformity to the Militia Law which requires the election to be ordered by the commanding officer; and the number of the regiment to which the company is attached is not

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reported. But under the circumstances, I would overlook the irregularity and immediately forward the commissions, if the commanding General was not in the field with full authority to organize the Militia; and consequently it will be necessary to act under his orders.

Gen. Hopkins has communicated with Gen. Childs, who will furnish him with supplies, if necessary; and as they will, no doubt, cooperate together, the cause of alarm for the safety of the people on the frontier will be removed.

I am yours very truly,

THOS. BROWN.

Capt. S. L. SPARKMAN.

From Gen. Hopkins to Governor Brown.

FORT GATLIN, MARCH 25, 1852.

His Excellency, THOMAS BROWN:

*Dear Sir*:—I have the honor to inform you that I arrived at this place about four o'clock this afternoon, with all my command in good health, excepting David Thompson, who was accidentally killed by Reuben Hogans, (his intimate friend,) on the 15th, by the discharge of his gun—his remains were decently interred by us on the same day.

We proceeded from Lake Monroe, and arrived at Tohopokalaga Lake, fifty miles from Fort Mellon, on the 15th, having been detained two days at Fort Gatlin awaiting our provisions. On the morning of the 14th, I left that place in search of some Indians, where fresh signs had been seen by the express-man sent to recall Capt. Sparkman two days before. On the night of the 14th we headed the Lake, and encamped for the night. It may be proper to say, each man with one pack horse along, provided us with eight days' rations; the team in the *interim* hauling corn from Fort Mellon.

On the 15th crossed the Kissime River, and extended our examination South and East in all suspicious points, (only finding an Indian track,) until late in the evening fell in with old Indian camps where we found a cowpen, its appearance inducing me to believe cattle had been penned in it when first made. The camps were over a year unoccupied by Indians; here we took up our quarters for the night. On the 15th found another Indian settlement, dilapidated as the first, from thence I struck my course for the Kissime Lake, passing Lake Cypress, where we arrived early in the day and examined satisfactorily its eastern border without success—another track only was discovered in the last camp to-day. Having fully convinced myself that no Indians permanently resided in the sections above mentioned, I resolved to change my route and visit the tributaries of the upper St. Johns. Accordingly, on the morning of the 17th, we shaped an East by South course, Fort Gatlin bearing due North about 70 miles. After following the course some five miles, we fortunately discovered a very large trail of hogs, principally, some poneys, and foot tracks

accompanying them. By my order it was followed until dark, through very rough woods and dense cypress swamps, many of them boggy and deep. On the 18th, continued, the trail leading East by North for half the day, when it took a South course; by the time, however, we had reached what is called the Flats of the St. Johns, woods very difficult to pass over, owing to their softness, and frequent obstructions from cypress swamps (such a variety necessarily keeping us wet day and night, together with excessively heavy rains at intervals,) we discovered a short time after the course changed, some few hogs and a sudden rising of fire; being now over 90 miles distant either way from white inhabitants, the positive conclusion was that it had been set by Indians. We immediately directed our line of operations that way, reaching the fire about 5 o'clock, P. M.; on my arrival, I sent Capt. Jernigan with five men to examine around the border for signs, which he soon found, apparently in considerable numbers.

The next morning, it having rained very heavy the night previous, we found some difficulty in trailing them out. Being very desirous to see them and urge upon them the necessity of surrendering, particularly as my examination had more or less convinced me that if I could get possession of this band, it would check other depredating parties and cause the scattering outlaws left, to quit our borders, within which they were positively trespassing over forty miles, I ordered Capt. Jernigan to take ten men with him, (being very lame myself) on foot, and endeavor to find their camp, and persuade them in, with positive orders to use mild means, except in self defence—and by no means to injure the women and children. He accordingly discovered their camp, in front of which was an Indian walking sentry, with a red flannel strip tied to a lock of his hair—a certain indication of war—he was armed with a good rifle. Taking advantage of a thick wood in the rear of the camp, he approached undiscovered, within twenty steps of the warrior; one of the party partially understanding the Indian language, suddenly approached the warrior, accosting him in friendly terms, which no doubt would not have been reciprocated had not our whole party displayed themselves. He gave up his gun. Soon after eight others were peaceably taken, among them, two boys fifteen years old, balance women and children. From information, others were to be in that night. Accordingly five men were left in ambush to capture them, if they failed to surrender. Just after dark the balance of the Indians made their appearance; upon which they were accosted in friendly terms by our party, and it was returned by the Indians instantly cocking their guns, and levelling at one of my men, who would have inevitably been killed, had not one of the party fired at him, missing him, however. They all ran, having evinced decidedly a hostile attitude—two or three more guns were fired in the dark, one of which I deeply regret to say, injured a squaw severely, but by no means dangerously, who was captured, with her mother, making in all *eleven*. The next morning I visited the spot and camp, getting all their valuables, and looking to find the dead, if any—no

traces could be discovered; in fact, I have no doubt they escaped unhurt. The woman injured is the wife of *Innaha*, the same man Jernigan took, who she says, is now in the Nation. I had a litter constructed, and the next morning without either corn for our horses or more than one meal of deer meat for ourselves, and without bread, we set out for our post at the north end of Tohopkeliga Lake, distant over 100 (one hundred) miles. Our situation about this time I considered somewhat critical; had there been Indians sufficient to attempt a rescue, we would, in all probability, have been cut off. Occupied as we were with the squaw, delayed my progress very much; however, on the third day, at sunset, we arrived safely at the post.

I take great pleasure in stating that the squaw shot, is daily improving—she will soon be entirely well—and that my command regretting the accident as well as myself, treat her with every mark of tenderness, cheerfully performing all necessary aid in her transportation to this place. In fact the whole number seem quite social and happy except when I mention taking them to Bowlegs, they instantly shake their heads and seem distressed. One of the women, they say, is an absconding wife of Billy's. Her ear bears the proof of adultery.

I have endeavored to give you a plain matter of fact statement of my first scout between the waters of the Lakes Cypress, Kissimee, and some other Lake South, across to within thirty miles of Indian River Lagoon, East. I am further of opinion, had I not pursued and captured this band of outlaws, that our frontier would have been annoyed either by apprehension or reality, so long as they had been allowed to remain within our lines. Some two or three of them have gone to Tampa. They say of the warriors, it will be the means of running off all the intruders. They see their native sagacity cannot elude the vigilance of our people; and let them remain where they may, within our lines, I can, with the same force and men, get every one of them (if you say so) in two months from this.

Our horses are very feeble for want of corn—they have had none since the 19th. I leave in the morning, 25th, for Fort Mellon, with the Indians, on my way to Smyrna, in obedience to your orders—"delivering them either to the Indian Agent, or nearest Military post." The Agency is 175 miles from here, with no roads—Smyrna 50 miles. On our way to the latter place we have 50 bushels of corn awaiting us at Fort Mellon. I also sent the Indian child, on my way out. I have her mother with me now. I have, also, the poney, rifles, and extras, belonging to the Indians, which I shall deliver to Maj. Loud, U. S. A.

While at Smyrna, I shall endeavor to visit a group of Indians reported to be at the head of Lake Poinsett. I have this day, written Gen. Blake, in relation to these Indians, and requested him to procure means for their immediate transportation from Smyrna, and to explain the affair to Bowlegs, who from accounts, will be pleased at their capture. In my final report, a general statement shall be embraced of my proceedings. I remain, dear Sir, your's very truly,

B. HOPKINS, M. Gen. 2d Div. F. M. & S. Agent

N. B.—I feel compelled to order, for the present, a small force under command of Capt. Jernigan, as Captain, and Isaac Jernigan, Lieutenant, and Neadham Yates, Second Lieutenant, who have been elected by the men: This company to continue as a protection for the five families around Fort Gatlin, until I am assured that the Indian warrior, now in our possession, has been safely delivered to the Indian Agent, fearing, should he escape, some retaliation on their part. There is no necessity, so far as I have examined, for any other companies to be raised, and this one, only to be continued until we hear of the safe transit of the Indian alluded to, or as long as you may order. The Indians within our lines are few and scattered, and should they even concentrate, no injury can be done by them, in any other quarter. I hope you may approve my acts. Under the circumstances, I could operate no other way, with a band of outlaws from their own country and as trespassing in ours. I deeply deplore the women being injured—but it could not be avoided. I have taken all the testimony in the case of Capt. Jernigan, which I will transmit to you, at a proper time. My orders will be to Jernigan, not to scout at all, as we are in profound peace with the Indians, but only to act on the defensive.

From General Hopkins to the Governor.

STEAMER SARAH SPALDING,

St. John's River, March 27, 1852. }

Sir:—On my arrival at Fort Mellon, I found that Major Loud, U. S. A., received very reluctantly, the small Indian child, sent by me to him, and in consideration further, that he has so divided his command, temporarily, as not to insure the safe keeping of the Indians in my possession—I concluded to take them to Palatka, for the present—from thence either to the Agency or at the Fort at Augustine, (which in fact is the National Military Post). Augustine is only thirty miles—the Agency 175 from Palatka.

I find a general satisfaction among all classes of people, settlers in particularly, at the capture of these outlaws. And I would advise that I continue capturing them wherever they may be found within our line. In two or three months, I have every hope of clearing them out or capturing them, if you so determine. It will relieve the anxiety of the frontier inhabitants, and supercede the necessity of establishing Military Posts on the line, which would be very expensive to the State, as well as almost useless for protection,—the line being so very extensive and Indians so scattered that no benefit could possibly accrue therefrom. The small force I have, 22 men, I have left with Jernigan, except five men with me to protect the Indians. If you approve of my plan of operations, I will enlist 30 men in all. We may fall in with some number of warriors, and it would have a bad effect to be compelled to fall back.

It is the general opinion, even among the U. S. Officers, that my course proposed would tend much in advancing the present operations of Gen. Blake—as it will evince to the nation our ability to fol

low and capture them, go where they may. There are ten men and one officer, U. S. A., at Enterprize—fifteen at Smyrna and ten at Branton's Place—thirty at Indian River and ninety at Fort Mead, under command of General Childs, 140 miles off. I have been, so far, as economical as I could possibly be—even to insure any successful operations whatever. May I ask, of your Excellency, an immediate reply to this letter at Palatka, where I shall remain until I hear from you. Please express your wishes fully, and I shall endeavor to conform to them as near as circumstances will admit.

Yours Very Truly,  
B. HOPKINS.

From the Governor to Gen. Hopkins.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, April 3, 1852. }

*Dear Sir:* Your communications of the 25th and 27th ultimo were received by the mail of this morning, and I am, of necessity, compelled to reply to you very hastily, and without any opportunity for much reflection.

Your movements show much decision, energy and expedition, and meet fully my approbation and commendation. I have the fullest confidence in your judgment and patriotism, and am sure you will do nothing in the performance of the duty with which you are entrusted, but what you believe will be for the interest of your State. And as you will necessarily be placed in positions where you cannot communicate freely with me, much, in regard to your acts, must depend upon your own judgment; and it was for these reasons I considered it important to call you to the performance of the duty to which you are appointed. But I must say that I am of the opinion that you were rather unguarded in going so far into the wilderness with so small a force. A disaster, under the circumstances, would have been irreparable, and your getting back safely with your prisoners, I conceive to be a very fortunate circumstance. It is unquestionably proper, and I hope you will always bear it in mind, to guard against incurring any unnecessary expenses—yet it is of more importance to guard against surprise and defeat. These Seminole Indians are known to be cruel and treacherous; and there may be more of them over the line than is generally supposed; and what is very probable, there may be an understanding and concert of action between Bowlegs and some of these "outsiders" whom he pretends to call "outlaws;" and knowing that you are in the habit of venturing far from the settlements with so small a force, they may rally a party sufficiently strong to defeat you or to force you to fall back,—either of which events should be guarded against. You had better take with you a force strong enough to insure confidence. I have, therefore, sent you commissions for a full company. You only asked for commissions for a Captain and one Lieutenant. Should you think the other commission unnecessary, you can return it. But I think a full company of men as small a force as it would be pru-

dent for you to take with you on your next excursion. You will, however, use your own judgment, and embody any force you may deem necessary. I wrote you a short time ago, very fully and freely, my views and wishes in regard to your proceedings, which letter, I perceive you have not yet received. I think I addressed you at Enterprize or Fort Gatlin, to the care of Mr. Arthur Ginn. I have no doubt, when you return, you will receive that letter, which will give you more fully my views than I am able at this time to give you.

The People are determined that the Indians shall be removed from this State, without any further delays. If there is a prospect of Gen. Blake's succeeding in getting them to remove peaceably, you will do whatever you may think will tend to aid him in the accomplishment of it; and nothing that you may think will have a tendency to retard his operations; and if you can, you will communicate with him, and co-operate understandingly, so long as there is a prospect of success in any reasonable time. But should his scheme fail, or you have good reason to believe that he has no prospect of success: measures must be taken for the forcible removal of the Indians. And if the General Government will not make the necessary appropriations, and will not co-operate for the speedy removal, the State will have to undertake it alone, and you will have to remain in the field until it is accomplished. If you have good cause to believe that the body of the Indians are disposed to be hostile, you will embody such a force as you may deem necessary, not only for the protection of the frontier, but to meet and capture or defeat them, and on no account, if possible, suffer a surprise or defeat for the want of a sufficient force at your command.

I regret exceedingly, the circumstance of the wounding of the Indian Squaw, but I have no doubt it could not have been avoided under the circumstances; and I am gratified to hear that she has been taken care of and kindly treated. I hope you will caution your men to be careful not to inflict injuries on the women and children, and to treat all captives with kindness and humanity. Whilst it is absolutely necessary that the provisions of the treaty for their removal should be enforced, we are bound to commiserate their unfortunate situation. You will deliver none of the Indians you may capture to Bowlegs, or to any of the Chiefs, but to some U. S. Officer or Agent, taking care to obtain a receipt or certificate of the number delivered, describing their age, sex and condition. You can send them to St. Augustine or any other U. S. Post, most convenient to you.

Hoping to receive communications from you as often as opportunities will allow, I am, very respectfully, Your most ob't. Servant,

To Major General B. HOPKINS. THOS. BROWN.

From the Governor to the Hon. E. C. Cabell and the U. S. Senators from Florida.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, April 5th, 1852. }

*My Dear Sir:*—In the enclosed number of the "Sentinel" you will find the official report of Gen. Hopkins, and in the "Jackson-



ville Republican" a letter from one of his Volunteers, which I consider important information for you to have. The published letter of a "Volunteer" induced me to publish the official report at this time, that all the facts may be known. I also enclose you a manuscript copy of my letter in reply to Gen. Hopkins, which will put you in possession of my views on this subject so important to the interests of our State. The time has arrived when there should be a full understanding between the Authorities of this State and the Authorities of the General Government in regard to the obligations of the Treaty of Payne's Landing, as it respects the continuance of the Seminole Indians within the State of Florida.

Since my administration commenced, I have done all in my power to aid the operations of the Gen. Government in its plans for the fulfilment of its treaty obligations, and have suffered nothing to be done that would tend to throw obstacles in the way. All its plans and operations have, so far, proved abortive. Whilst attended with heavy costs, I have suggested on the part of the State, a feasible plan, which would have been attended with no unnecessary expense, as the public lands will have to be surveyed at some period. But it has been disregarded, although no objections could be made to it—and no better plan has been proposed. It is true an agreement has been made with Gen. Blake, involving a *certainty of expense* without any *certainty* of a successful issue.

If the authorities of the General Government are really in earnest in the expression of their desire to have the Indians removed from Florida, would not wisdom dictate the appropriation I have asked for, which would aid Gen. Blake's operations? the "*sword*" being presented as the alternative, if the "*olive branch*," is not accepted.

The people of this State will not submit to further procrastination on the part of the General Government. The sovereign authority of the State will be interposed over its territory. I trust, therefore, that you will lay this communication before your colleagues in the Senate, and confer with them upon the course which in your judgment should be determined on by the authorities of this State upon a subject so vital to its prosperity. And if you believe it will be fruitless to rely any longer on the General Government for a fulfilment of its treaty obligations, the State will exercise her sovereign authority for the protection of her people, the vindication of her rights, and the indemnification for her expenses and losses.

I hope you will seriously deliberate on this subject, and communicate to me jointly your views. I am, with high respect,

Yours very truly, THOMAS BROWN.

To the Hon. E. C. CABELL, and the U. S. Senators from Florida.

From Gen. Luther Blake to Governor Brown.

FORT MYERS, MARCH 24th, 1852.

Sir:—We have been here nineteen days and have seen a good many of the Seminoles. All appeared friendly, and are willing to emigrate; we have seen none much or any opposed to emigrating. I

am in hopes, in the course of ten days, to have a talk with Bowlegs and other Chiefs, which I hope will be promising. All things look better than I could have expected. I have heard that Capt. Jernigan had raised men to drive the Indians within their lines—I hope he will do nothing rashly. I saw him at Tampa, and he promised to let me know if he found any signs of Indians, and I would send him one of my interpreters and an Indian, so that he could approach them in a friendly manner and tell them my business here, &c. He said he would do so, and I hope will; if so, I shall be satisfied. I do not think we shall have any hostilities with them, but think we shall be able to remove them during this Summer.

Respectfully Sir, your obedient servant.

LUTHER BLAKE, *Special Agent*.

To Gov. THOMAS BROWN.

From Governor Brown to Gen. Luther Blake, Special Agent.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, April 9th, 1852. }

Dear Sir:—Your letter dated at Fort Myers, March 24th, was received by the mail of this morning, and I assure you, sir, that I am highly pleased with the friendly disposition manifested by the Seminoles yet remaining in the State, to emigrate to the West, where their brethren are settled, and most sincerely hope your mission may prove successful. You may rest assured that everything in my power shall be done to promote your views, and nothing shall be done on the part of the State authorities to embarrass your negotiations.

Having received letters from many of the people on the frontier, informing me that Capt. Jernigan was pursuing a course towards the Indians, calculated to provoke them to retaliate, and endanger the peace of the settlements, I ordered Maj. Gen. Hopkins, commanding the 2d Division of State Militia, to repair to the frontier, and to examine into the condition of things; and if the Indians had actually crossed over their prescribed boundary, to endeavor to persuade them to surrender, or to capture them, if possible, without violence, and deliver all that he got possession of to some U. S. officer, or Indian Agent. I have just received a report from him, that, having seen unquestionable evidence of Indian signs, he followed it some fifty miles and captured eleven—one warrior, two youths, and the rest women and children. It being dark, and some of the warriors, when accosted in a friendly manner, having cocked their rifles, some of his party fired; by which a squaw was wounded, but not dangerously. It was a circumstance to be regretted, but was unavoidable, and no other injury was done. They have all been treated kindly, and the squaw is doing well; they have all been sent to the U. S. post at St. Augustine. Gen. Hopkins informs me, by what he can learn from these captives, that there is a large party out of their boundary—probably some thirty warriors. He will make another excursion for the purpose of capturing all he can find out of their lines. All his movements will be

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in a friendly manner; and having full confidence in his prudence and judgment, I am sure he will do nothing to affect unfavorably your operations. Indeed, I am very sure his movements will have a favorable effect upon yours. I have requested him, if he can, to communicate with you, and as far as may be in his power to co-operate with you. I think it will be proper for you in your negotiations to let Bowlegs and the Chiefs distinctly understand, that if they will not accept your propositions to remove peaceably, their expulsion by force is determined on, and that the people of the State will unquestionably enforce it at all hazards.

Wishing your mission may be attended with full success,

I am very respectfully, your most obedient servant,

THOMAS BROWN.

Gen. LUTHER BLAKE, *Special Agent*.

From General Hopkins to Governor Brown.

FORT MELLON, E. F., May 24, 1852.

Sir: I have the honor to report to your Excellency my return to this post yesterday, the 23d instant, from my last expedition.

On the 26th April, last, on arriving at this post, I found it necessary to make an examination of the waters of the St. Johns, and the intermediate chain of Lakes between this post and Fort Taylor, on Lake Winder, with the view, if the depth of water should be sufficient, to transport supplies in lighters and boats to that point. I felt satisfied, if this could be effected, that I should be able to place a much larger supply of provisions and forage at that remote point, at a cheaper cost, than could possibly be done by any other means. To this end, I ascended the river, in person, with one boat and four men and found, without doubt, that I could attain the desired end; and on the first of May, instant, I despatched one lighter and two boats with supplies, with directions to ascend the river as high as the Orange Mound, and there await my coming. Soon after, I sent a detachment by land to reach the same point and await for me. Before I departed with the remainder of my command, I received information, by express from the right bank of Lake Munroe, that Indian signs had been discovered between Lake Harney and the head-waters of Indian river. I determined at once to cross the St. Johns and to go in quest of any Indians that might be found in that region, before I should join the remainder of my command at the Orange Mound. On the evening of the day I received the information, I crossed the river by swimming, six miles above Lake Monroe, and took the direction of the reported sign. The following night I encamped on the upper end of Lake Harney, from whence I discovered an extensive fire in the woods, to the south-east, and the next day discovered fires in other quarters. In this section of country there is not a white settler, nor are there white men passing through it. For several days, I thoroughly examined the whole country around—extending my operations to within a few miles of the waters of Indian River Lagoon. I succeeded in finding an abundance

of old signs, but, save the fires in the several quarters, I found nothing to indicate the very recent presence of Indians, and conjectured that those who set out the fire must have been small parties of hunters, who would, without doubt, after putting the fire out, return to the section of country where they have long remained at ease. That they fired the country, I did not doubt, and became fully satisfied that they had done so with the intention, at no distant day, to make that region of country their hunting ground. It is a well known fact that game will gather to woods that have been burned off, and being confident that no Indians were, at that time, in that section, I retraced my steps in part, and recrossed the St. Johns, without difficulty, at the upper end of Lake Harney. The next day I scoured the banks of the Econlike Hatchee and other Streams, and arrived on the ninth instant, at the Camp of the Orange Mound. The morning following, I detached six men of my small command, and sent them to guard the settlements, or rather to afford some slight protection to the settlement at Fort Gatlin. This place, I consider to be very far from safety or security, and in the event of hostilities being recommenced will be the first place attacked. On the same morning I despatched Col. Oscar Hart, Adjutant General of the Division, with fourteen men and all the horses of the command, with orders to scour the country between the Orange Mound and Fort Taylor, while I, in person, with sixteen men, ascended the River with lighter and boats to the same point. The ascent of the River proved far more difficult and laborious than I had expected, but nevertheless, by untiring perseverance it was accomplished, and on the night of the fourteenth, I arrived in Lake Winder, having examined the Creeks and Swamps along the banks of the River and Lakes to Fort Taylor. In these Swamps, I found traces of Cattle, and the bones of those which had been slaughtered within a year past, in large numbers. I also discovered corn fields which had the last year been planted. Every indication bespoke the recent presence of Indians from whence our expeditions had doubtless driven them, or at least, warned them to remove. These Indians have doubtless resided in undisturbed security in this region ever since they consented and agreed to remain within lines and within a certain boundary, and have also, without doubt, been constantly engaged in driving off and slaughtering the cattle of our citizens. It is a well known fact that they have no cattle nor have they had for many years past, and all that they get are lost to our people.

The report of Col. Hart, informed me that he had discovered Camps that had but recently been abandoned by the Indians. He found also that the point where Capt. Jernigan, during the last winter, had broken up an Indian Settlement, and from which the hogs had been driven, is but three miles west of Fort Taylor, and not over thirty miles South East of Fort Gatlin—at the same time, being at least one hundred and fifty miles from the Indian boundary. The knowledge of these facts will scarcely justify any one residing upon the frontier in feeling secure so long as the Indians are allowed to

remain in the country ; for it shows beyond question, that they cannot by any possible means be kept within any bounds, not even if they should be of their own choice: That they will rove any and every where that pleases them, and that they will gradually encroach upon the settlements, trespassing upon ground where they have not the slightest shadow of right, from whence they might and may at pleasure prey upon any of the property of our citizens. At the Indian Camp, a small number of hogs were still found, and I have reason to believe only those that the Indians could not well carry away. From Fort Taylor, I sent back the lighter and boats and also sent round by land a few of the men whose horses had been temporarily disabled from hard service. On the same day, I left for the head waters of the St. John's, and crossing several of the tributaries of that River, on the evening of the seventeenth, came upon a large number of hogs in the vicinity of the Camp where I had previously captured the Indians. The day following, I came upon a trail where cattle and hogs had been driven off, also found parts of two cowhides, and one carcass of a calf, probably a year old, which had not been killed over one week. The skin of the latter, we found hung up on a pole in the edge of a prairie and was not yet thoroughly dried. On the evening of the same day, we came upon a drove of the finest hogs that I have ever seen in Florida, and so gentle as to be handled without evincing the slightest fear or any disposition to be frightened. This indicated very clearly the frequent presence of Indians among them, by which means they were kept gentle. My examinations in the vicinity around did not however lead to any discovery of Indian signs further than the presence of the hogs gave evidence of their presence, and I continued my route to the Military Road, made by Gen. Twiggs, from Tampa to Indian River. Here I had the good fortune to meet with Lieutenants Robinson and Day, U. S. A., who had along an express rider who had fourteen days before fallen in with two Indians with a large drove of hogs, making their way across the Military Road, east of the Kissimmee. From the gentlemen above named, I learned that they had directions to capture all the Indians found upon the roads.

From this point, I turned for Fort Mellon, and found on my way back, near the Archino Toplio or Big Cypress, signs of Indians made after my command had passed along, but I could not but believe that all the Indians who are now without the lines, cannot long escape, if they keep their women and children out, which I am inclined to think they will do. The outliers appear, as I learn from Gen. Childs, to be headed by Echo Emathla, who has his head quarters about the Big Cypress. This place, I intend thoroughly to scour and shall push him and all others from place to place until they surrender and quit the country. This, I am satisfied, is the only way to get them out. Gen. Blake will feel the good effects of our exertions, and while the Army are anxious to see the troublesome matter brought to a final close, the people are looking with the utmost interest to the attainment of that long desired consummation.

I cannot close this report without a tribute to the officers and men without distinction, who served under me during the long, arduous and wearying marches of the last expedition. Patient, under fatigue, and cheerful at all times, it afforded me the highest happiness to command such men. In Captain Jernigan, and Lieutenant Jernigan, I had guides and woodsmen who I do not believe can be equalled, and with their intelligence in their vocation, their patience and untiring energy, I shall expect to accomplish much.

I have the honor to remain,

Yours Respectfully and Truly,

B. HOPKINS,

*Maj. General Second Division Fla. Militia and Special Agent.*

From Gen. Blake to Maj. Gen. Hopkins.

FORT MYERS, MAY 18th, 1852.

Sir :—All of yours, I presume, up to the 4th instant is received. Billy Bowlegs has not yet come in. A part of our Delegates returned from a tour out last evening—their report is favorable. What course is best, is hard to say, to get the Indians from Florida ; this much we know, that it must be done, and shortly too. I cannot now recommend military operations, though I think it likely I will have to do it—if I do, it will not be the United States army. Citizen soldiers are much better calculated to manage Indians than they are. Should you take any more Indians in your expedition, please send them to Tampa. I want to see you, and hope to, soon. A friend of mine, Mr. Collins, of Alabama, has been with me for some weeks—will leave here in a few days for Washington. I will give him a letter to you, and hope you will be in Palatka when he arrives ; he can give you all the facts.

Very respectfully,

LUTHER BLAKE.

Maj. Gen. B. HOPKINS, Palatka, Florida.

From Gen. Hopkins to the Governor.

PALATKA, MAY 30th, 1852.

My Dear Sir :—I have the honor of enclosing a report of my proceedings from 26th of April up to the 24th of May, inclusive, and hope you may approve them. Although I failed in capturing any Indians, more important results connected with present and future operations have been ascertained. I am now fully convinced that the Indians have been for some years, driving off and appropriating to their own use, cattle in large numbers, belonging to our citizens, as you will see from my report. It will be necessary that a force should be kept on the frontier so long as the Indians remain in the State. Every succeeding expedition confirms me in that opinion ; and I am happy to find by your last letter you coincide with me. By the last mail I got a letter from Gen. Childs ; I think I shall have it published, requesting the Florida Sentinel to copy it. It is one of much interest, and fully defines his position ; at once putting aside the charge, so far as he is concerned, as to countenance being given to the Indi-

ans. I also enclose you a copy of a letter from Gen. Blake, of 18th May. I consider it not a proper letter to make public, at all events just now. You can readily see how he stands. My letters have all tended to urge upon him the almost certain necessity of calling out volunteers. He is anxious to see me, and I think an official order from you, as soon as I return, to visit both him and Gen. Childs, with a proper escort, would facilitate our plans very much—it is for you to judge of the propriety of such an order, however. Your last letter was received at Mellonville, for which I truly thank you, and rest assured that if opportunity offers, I shall not be found wanting in duty to my State. I have now only 40 men, all told, varying a little at times; it is impossible to transport supplies for a much larger force over the country we have to travel, and without the aid of waggons, which we cannot procure, except at an immense proportionate expense. I will keep *within* fifty men, until I see if the United States will pay the expenses; we then, of course, can be more extensive in our equipments. With that force I can make myself secure against a large body of Indians, unless ambushed by them. I propose to keep half my command on duty, at intervals, on my return from the ensuing scout, placing the remainder in positions where the frontier is most, or may be exposed. It will afford us a respite from severe duty, absolutely necessary to recover ourselves and horses. At the same time proper measures shall be taken to protect the frontier, which I think is just now in as much danger as it ever has been, not from a consolidated attack from the Indians, but from stragglers, who are now roaming over the country, collecting their stolen and own stock, (hogs,) revenging themselves before they leave. I agree with you, as regards the wishes of the citizens generally, on all sides. They wish the Indians removed. You shall hear from me as soon as I get back from Indian river, for which place I leave in the morning *en route* from here; my command being at Fort Mellon. I am in hopes I may be able to make you a good return. I remain sir,

Yours respectfully, B. HOPKINS.

His Excellency, THOMAS BROWN, Tallahassee.

From Governor Brown to Gen. Luther Blake, Special Agent.

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, June 5th, 1852. }

I received this morning a letter from Gen. Hopkins, giving me a report of his operations up to the 30th May. He has not captured any more Indians, but has seen many signs. He enclosed to me a copy of a letter which he received from you, dated 18th May. I have instructed him to make all his plans and movements to conform to your views and the furtherance of your objects in a peaceable removal of the Seminole Indians from Florida, so long as you believe there is a prospect of success, and I am highly pleased to see that a free communication is kept up between you.

A short time since I received a letter from Mr. J. C. Maclay, of Apalachicola, informing me that the Steamship America, owned at

that place, can be obtained in the event that transportation should be required for the removal of the Indians, and requesting me to communicate the information to you. He describes her as "very capacious and roomy," and particularly well adapted for such a purpose.

Hoping I may hear favorable accounts of your success, from you, I am very truly and respectfully, your most obedient, &c.

THOMAS BROWN.

Gen. LUTHER BLAKE, Special Agent.

[From General Blake to Governor Brown.]

FORT MYERS, June 17th, 1852.

EXCELLENT SIR:—I know how anxious you are for the removal of the Seminoles from this State. As such I will keep you informed of my movements. I have many, too many, obstacles to contend with and overcome; not, however, on the part of *citizens*. The Indians have not understood their true position in this state. I have given them to understand that they had no land or country here.—Indians can not be hurried. I am so far progressing as well as I could expect. We have had much rain: in the last thirteen days, 16 inches of water has fallen; the country is overflowed, and it is with difficulty we can travel. Our delegates are out among their friends—some of them have been gone for weeks, directed not to return until they do something.

They fear the *Cow Boys*. I agree with the Hon. Messrs. Cabell & Mallory, that the Indians have not been dealt with, as they ought to have been. Gen. Hopkin's movements so far have not been injurious, and if I do not make a good show by fall, I shall say let loose the Cow Boys. But this should not be done so long as there are strong hopes of their going in peace. For where they are, it is difficult to get into, or out of.

I think, sir, that this business should be brought to a close, this fall and winter. The Government will have done all that justice and generosity could require; and the State of Florida all the forbearance that can be expected from her.

Your Excellency's humble servant,

LUTHER BLAKE,

Special Agent &c., &c.

Gov. THOMAS BROWN,

Tallahassee, Fla.

[From Governor Brown to General Blake.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, July 10, 1852. }

MY DEAR SIR:—I have the pleasure to acknowledge the receipt of your letter of the 17th June. I am well aware that you have many obstacles to contend with in the accomplishment of your undertaking, and not the least from a source which is not generally understood. I have long believed that the Indians have not been

made to understand their true position in regard to their right to continuance in Florida. They believe if they do not consent to emigrate, the General Government will not compel them to do so.—This is the source of all the difficulty. And although I have always had the fullest confidence in your ability to execute the special agency which you have undertaken, if any man could accomplish it, yet I confess I have never been sanguine of your success. The United States troops were sent to Florida for the purpose of keeping the Indians within their prescribed boundary, with orders to capture all that pass beyond it and to endeavor to effect their removal to the West. Yet it is known to the people on the frontier that a portion of the Indians have with impunity passed over their boundary—built habitations and cultivated crops, and when complaints were made of depredations committed on the property of settlers and a boy was actually murdered near the settlements—the agent and the army officers contradicted these statements, and charged the settlers with a desire of provoking another War with the Indians. For the purpose of ascertaining these facts and to quiet the settlements, I sent Gen. Hopkins to the frontier with a small force, believing at the same time that it would promote the success of your scheme. In a scout of ten days with a little band of twenty men, he found Indian settlements and cultivated ground, more than fifty miles beyond their boundary, and captured eleven Indians, yet the U. S. troops have never captured an Indian out of their bounds.—I am glad you think Gen. Hopkins' movements have had a good effect. My instructions to him have always been to act in co-operation with your views, and to do nothing that he believed would retard or obstruct your operations; and if you believe I can aid your success in any manner, I shall be glad to favor any suggestions you may make; and after you have given your project a fair trial, if you believe there is no prospect of getting the Indians to emigrate peaceably, and will make it known to me, I will be ready to co-operate with you in any other plan you may propose. If you fail in this attempt I shall wait for no further negotiation, but will try what the "Cow Boys" can do.

With every wish for your success,

I am very respectfully and truly,

Your most obedient servant, &c.

THOMAS BROWN.

General LUTHER BLAKE.

[From General Hopkins to Governor Brown.]

PALATKA, July 12th, 1852.

To His Excellency, THOMAS BROWN,

Governor of Florida:

MY DEAR SIR:—I have enclosed for your consideration a rough report of my late scout, from Enterprise, on Lake Monroe, to Fort Capron, on Indian River, and from thence to Alpatioka River, South,

and back. Our supplies were destroyed by the rain; but after arriving at the U. S. Post, every kindness was tendered us, as you will see by my report. I allude to Gen. Twiggs in the report. He ordered Gen. Childs not to furnish us with a single ration. I saw the original order. This was shown me in *confidence* by Lieut. Taylor. You will also see, by Gen. Blake's letter, that he approves of my keeping the small force I now have in service, until we have an interview, and come to some definite conclusion. This letter will also go to sustain the claims of the State on the General Government. I have, in compliance with your suggestion, elicited such letters, and I hope, when we meet, I shall be able to get him, at once, to ask for the Regiment I am about to organize, *which is to receive no pay or rations until actually mustered into service*. The force will at once be available, with no more expense than ordered when actually required. I am of opinion fifty-two men, rank and file, to each company, will be all sufficient, particularly for the warfare we may have to engage in, and five hundred good men will be enough to perform the duty. I think, if at all, active operations should begin by 1st of October, or sooner, if the health of the country will allow. For myself, I am ready to go at any time. I would be happy to hear from you before the 25th, when I leave for Tampa. Your instructions may be essential to my movements in the affair with General Blake.

I am desirous of making one more move for Okeechobee. I am sure Indians are thereabouts, and if I could make one good haul, it would save the State every dollar of cost, and place the course you have adopted in a very popular light. Even now, it is a very popular move, here. I have only a few men at Fort Gatlin; the balance are on furlough, getting no rations themselves, but six quarts corn for each horse. Without this rest, we could not perform any service. Our horses are all broken down, and will require a month or more rest to recover them. I concluded, under the circumstances, it would be impolitic to discharge them.

My report embraces pretty much what this letter has said. My report before this, was drawn up by Col. Hart, Adjutant General, from my journal. I fear it was too prolix for your perusal. Length does not always constitute merit. I have no reference to his report, however; for it was by no means otherwise than good, I thought. I hope that my course of conduct, in this affair, may meet, in the main, your approval. I have ever kept in mind your responsibility to the State; and my personal regard for you, places the duty I have been ordered to perform, far above, or rather, in a more elevated position, than ordinary cases. The exposure and fatigue has been very arduous. No set of men can, for any length of time, at this season, stand it, without tents. Subject to the vicissitudes of weather—laying often all night in water—broiling sun the day out—provisions half the time damaged, and often none—renders the situation sometimes *uncomfortable*. I feel assured I can put the In-

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dians out, or destroy them, and indulge the hope that opposition may not *politically* operate before you can have it done.

Yours very truly,  
B. HOPKINS.

[From General Blake to General Hopkins.]

FORT MYERS, 20th June, 1852.

MY DEAR SIR:—Yours of the first instant, I received yesterday, and in reply say, that you ought to be the best judge as to the necessity of keeping up a small force to protect the border citizens in East Florida. I think it would be well to do so, for this reason—I wrote Gov. Brown a few days since, that if I did not make a good show by Fall, I should say, let loose the Cow-boys— This should not be done so long as there is strong hopes of their going; and, as they have been in service, I think it improper or impolitic not to continue there. I am, sir, for closing this Indian business. The General Government is doing all that she can to avoid war—the State of Florida has shown much forbearance, and, if they will not go in peace, I can only say, they must be made to go. I tell them distinctly they have no country here—it is the State of Florida, and here they cannot remain. I will meet you, the last of July, at Tampa. I hope that time will suit you. No news since my last.

Truly yours,  
(Signed) LUTHER BLAKE,  
Special Agent.

Major General B. HOPKINS,  
Palatka, Florida.

[From Governor Brown to General Hopkins.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, July 24, 1852. }

MY DEAR SIR:—Your report and letter dated the 12th inst., and the copy of Gen. Blake's letter, were only received this morning.— You desire me to reply to you by the 25th, when you expect to leave for Tampa. This you will see is entirely out of my power to do. But I have determined to write you this hasty letter with a hope it may meet you at Tampa. Should Gen. Blake meet you as he proposes, my desire is, that you adopt no course that does not harmonize with his views. And any course that you and Gen. Blake determine upon, I will approve. Gen. Blake says in his last letter to me, that if the Chiefs did not come to an agreement to emigrate before the fall season commences for operation, he believed he would call upon me for the "Wool Hats." He approves your course and says you have been useful in his operations, and permit me to say again, that I entirely approve your course, and have the fullest confidence in your judgment, prudence and energy. If Gen. Blake wishes a volunteer force ordered out, he shall have a regiment, or two, if he thinks them necessary, at a moment's notice.

When you and Gen. Blake meet, I hope you will confer fully together in regard to the Indians, and not separate without a good understanding in regard to what you both intend to do. My opinion is that they do not intend to remove peaceably; but if Gen. Blake still entertains the opinion that he can get them off peaceably, I am disposed to give him a further trial, and all the aid in my power.— If he thinks your little force will still be useful in carrying out his plans, continue it; and increase it, if he desires it. On the other hand, if he thinks your movements are calculated to retard his plans, discontinue them, and dismiss your men, unless you consider them necessary for the security of the frontier settlements. You no doubt understand my views fully, which are, in a word, to do nothing which might justify the charge, should Gen. Blake's plan fail, that we have been instrumental in causing it, but rather to do all we can to aid him, and if he recommends forceable action, to second him at once.

Hoping that you and Gen. Blake, may agree fully on the course to be pursued and that, course may be *prompt action*,

I am your friend, very truly,

THOS. BROWN.

General HOPKINS.

[From General Hopkins to Governor Brown.]

HEAD QUARTERS FLORIDA VOLUNTEERS, }  
Fort Mellon, E. F., June 26th, 1852. }

His Excellency, THOMAS BROWN:

SIR:—I have the honor to report to you my return to this post yesterday with my command. On the 31st of May I left with twenty-nine men, for the region of country between the St. John's and Indian River. Crossing the first named River above Lake Monroe, I directed my course South and East, examining closely the intermediate country as I progressed. After crossing from one River to the other in my route, within one days' ride of Enterprize, on the morning of the 3d June, I found Indian signs, with pony tracks, and also a large trail of cattle, directing South, and followed by the horses and Indians, some of them on foot. This trail I continued on for near two days, when we found the country entirely burnt over, no doubt by the Indians, to evade pursuit. From time to time in my route, we discovered the same trail, directing its way South and West to Okechobee, until near the military road, where I discontinued it, making my way for Fort Capron, at which place I arrived on the evening of the 15th of June. In the interim between the 3d and 15th, I was busily examining every suspicious spot between the two Rivers, frequently coming up with habitations, some of which appeared to have been abandoned since my first expedition on the Kissimmee in March last. I particularly looked around the two Creeks (Crane and Turkey,) where report said Indians had resided from their first coming to this country; which, however, is not so. They have always resorted to these waters for fish and oysters, living four or five miles off. An impassable scrub also obstruct-

ed my advance, extending from one River to the other, interspersed with Lakes, Lagoons, and Saw Grass ponds. Leaving the trail across the scrub, my only chance to proceed was to head it by riding along the banks of Indian River, which is, in some places, very abrupt and lofty—over thirty feet high, composed entirely of Coquino rock. Between the upper and lower parallels, no part of Florida can boast of better lands upon her rivers than you will find here. In fact, in every respect it is well adapted for settlers; and so soon as the Indians are removed from the State, there will be an immense influx of population to that country. It never was intended by nature to be uninhabited. Further South, however, the country becomes very poor; and I am honestly of opinion the expense of surveying one township will be more than thousands of such acres will sell for.

I took with me fifteen day's rations, sufficient, as I supposed, to subsist us until we could get again to Head-quarters. On the third day out, it began to rain heavily, continuing for six days (with only short intervals) and nights. Having no protection for our provisions, the consequence was that they soon became unfit for use; and on the ninth day we were entirely out, myself as well as men. Riding and sleeping for six days and nights in such inclement weather, caused fever to make its appearance. I thought it advisable on the eighth day to detach Dr. Spear from the command, and directed him to accompany the sick to Fort Capron, at which place he arrived safely in two days. He was kindly received by the United States officers, and every attention tendered the sick. Our own situation was also hospitably relieved by those gentlemanly officers, Lieutenants Taylor, Robinson, and Day. General Childs, anticipating that incidental circumstances might shorten our supplies, most kindly preceded my arrival by an order to supply me with provisions for travel route; and thereby placed himself in brilliant contrast with the contracted orders of one who only ranks him in one point, date of commission.

From within five hours' ride of some settlements, Indian signs were discovered, and proof unquestionably deduced that my first movement was soon known among them, and caused them all to remove further South, stealing as they went all the cattle they could collect from the settlers around. One gentleman alone, Mr. Houston, has lost, in less than one year, over one hundred and fifty head of cattle by these marauders. Within twenty-five miles North of Fort Capron on the San Sebastian, we found Indian signs quite fresh, and nothing but the excessive overflow of water prevented us from finding their quarters, if they were not horseless. Every circumstance connected with my examinations fully convinced me the Indians had removed to the neighborhood of Okechobee. Accordingly, I procured five or six days rations from the United States and two of flour on account of the State from a citizen, with half bushel corn for each horse, nineteen men with me, the rest sick, I set out, fully resolved to visit Okechobee Lake, where I knew the Indians were

in some numbers. My guide conducted me with difficulty as far South as the Alpatioka swamp, which we crossed with some trouble; and upon arriving at the River by the same name, I found it was high, deep, and current rapid. This river runs through an extensive open prairie, where nothing relieves the sight for miles: the consequence was no wood could be procured that would float to form a raft, without which we could not get over our supplies dry; and after following its banks for a day and a half, greater part of the time knee deep in mud and water, leading our horses, I had the mortification to be defeated in my plans, although the much desired spot was almost in sight. Changing my course due North, in two days I came into the United States road made by General Twiggs. I then divided my force ten in each, the one commanded by myself, the other by my aid, Colonel John L. Hopkins. My own detachment taking the West side of St. John's, the other East side of the Kissimmee, en route for Fort Mellon, one hundred and seventy-five miles, through a wilderness, with two days' supplies for men, and nothing for our horses—arriving at Fort Mellon, as above reported, within a few hours of each other. I crossed the formidable Big Cypress low down, finding it full of water, but much more formidable in imagination than reality. It is not more than two miles through. I found a large number of hogs belonging to the Indians, and, as on the other side, proofs of their having thickly inhabited that section of country, and the nearer you approach civilization the greater the signs. Their families, I think, have all left for Okechobee, inside our line, calculating no doubt to make a stand there, in case of invasion. The warriors are the most of their time hovering around our settlements to take advantage of any favorable opportunity that might offer to glut their blood thirsty propensities.—I have, under these circumstances, kept up a constant guard in the Fort Gatlin settlements, which has caused every family to make good crops, and live at their own houses. Until my first arrival there, the inhabitants were all collected at one house, and there lived.—Our operations have given much relief to the frontier settlers.

Your Excellency will readily see, by the accompanying letter from General Blake to me, that his negotiations are no nearer being realized now than they were six months since. He has not, so far, seen even a Sub Chief; an indication of their unwillingness to remove. I question further the sincerity of his negotiators—they may be his most troublesome opponents—time will develop it. I am aware that a strong prejudice exists with many against using force in the removal of the Indians. Their false philanthropy will, in time, lose its influence, and even they themselves urge their unconditional expulsion. The greater our forbearance, the more unreasonable will be their demands. By their continuance among us, our citizens are deprived of the use of some valuable lands. You may rely upon it they will not go until forced by some superior power. We know that it is idle to indulge any such hope. This is the land of his nativity—all his young associations are here—the scenes of his child-



hood—the home of his youth—the haunts of his more mature years—and, above all, in the mind and memory of an Indian, the graves of his fathers are dear. They have long since stipulated to leave our soil, and at this day they are no nearer peaceful removal than they were in the beginning. We shall have to commence vigorous operations at some time, and I say the sooner the better. Under existing circumstances, I shall, by virtue of your authority, order the organization of a Volunteer *mounted* force, sufficient, with the aid, (if so ordered,) of the United States troops now in Florida, to expel them forcibly, or urge their unconditional surrender. In either case, the Government would find it more economical than the course at present pursued. The force I shall order organized will not be entitled to pay or rations until mustered in the service of either the State or United States. By meeting them in their own way, I think a few months only will be necessary to bear them beyond, far beyond, the limits of our State.

I have the honor to remain,

Yours, with high respect and regard,

B. HOPKINS,

Major General 2d Div. F. M. and Special Agent.

[From General Hopkins to Governor Brown.]

PALATKA, August 25th, 1852.

MY DEAR SIR:—After four days from Tampa, I arrived at Fort Myers, and early on the ensuing morning, Gen. Blake sent out two of his Arkansas Delegation for Billy Bowlegs. They were absent four days, and part of the fifth, when Billy made his appearance, accompanied by the two Delegates alone. I had an interview with him, informing him of the object of my visit—saying, at the same time, that the Governor had ordered me to give him a friendly talk, and state the circumstances attending his remaining among us any longer. That they were calculated to bring destruction upon himself and people—that the whites outnumbered them so much, they (the Indians) would inevitably be destroyed, if they held out the determination to remain in Florida. They should be well paid for emigrating, and the President would protect them at their new home, which would be given them in fee simple, and fed for one year after their location there. He replied that his sister was unwilling to go, and some of his people; but that he would see and talk with them, and he *himself* would go, if his people were willing. I replied by saying, with all the desire the State had to avoid a war with his tribe, I felt it my duty to say, so far as the State of Florida was concerned, and I, her representative, I had only to say, we would allow him seventy days to be ready for emigration, and after that, if he evinced no disposition to remove *at once*, I would be compelled to bring in the volunteers, according to your orders. He replied, that he could not help it, accompanied with other remarks pacific in their nature, but not to the point.

Our *talk* here ended, on official matters, and Billy became very familiar, and often interesting, in his conversation. He speaks English very well, and has the manners of quite a well bred gentleman, although, in my opinion, he is full of artifice and low, deep cunning, only to be met in his own way. I also think Gen. Blake will take him to Washington, as Billy seems desirous to go. It may have some beneficial effect. He (Gen. Blake) wishes me to accompany him. My duties in the field just now forbid it, as the balance of my letter will show. The keeper of the light at Eggmont Key (Hagins) had a son by an Indian woman, whom he persuaded to emigrate, in company with some of the number I took in March last. This young man informed his father that, before he left the nation, Billy had sent 23 picked warriors to Tohopokalago Lake, and 24 to Okeechobee, to intercept my operations, under the command of Echo Emarhta Chopko, a Tallahassee sub-chief—a blood thirsty and unprincipled fellow—to keep an eye upon my movements, and not to interfere with me until they could concentrate, and not trouble me unless I troubled them. These Indians will be a long way out of their limits, and I feel bound to proceed, as soon as I can, and investigate their operations. I also found at Fort Myers, Emba, the husband of the woman wounded by my men. He came in while I was there. By working upon him, he has agreed to meet me at the Kissimmee, on the 10th of September, to have a talk—himself, his uncle and two others. I have no doubt he will be there—but upon what grounds I will know when we do meet. Gen. Blake gave him a blanket, and other things. He will let me know how many others are out there, when I meet him. I shall take fifty men with me, and give them a fair chance, if they feel a disposition to be unfriendly. My expedition may result in much good. According to your orders, I shall use all necessary means to induce them to come in. If they do not, I will bring them any way.

I find Gen. Blake everything that I could wish, so far as our State is concerned, and I do truly believe that his greatest desire is, to get us rid of our troublesome neighbors. With a combined effort, they will most surely be got off. I would recommend six hundred men, organized for duty, (*mounted*), four hundred armed with double-barrel guns, the balance with good rifles. With such a force, we would be equal to eight hundred men. Rifles are of no use, unless in a long fight, amongst the pines. I expect to go into the hammock, if necessity requires it, and *you know then* the importance of the double-barrel gun. I would also respectfully advise that surveyors be appointed by the Department to run out the land in the Indian region, allowing each surveyor a sufficient escort to ensure his safety—keeping the body as near together as the duties of their operations will allow—offering to the Indians all the kindness we are able to afford them—(and we are willing to receive all who may come in, under the flag)—giving them no facilities, other than we cannot avoid.

Every foot of land will be explored, and all their haunts discover-

ed, from spot to spot, until their final resting place will be upon the deck of a transport, and Florida relieved forever from the Indians. I also enclose you a letter from Gen. Blake to me, in reply to my own, herewith sent. I have allowed individuals to raise companies, subject to be called out, after their organization, whenever they may be required, which will be after the 70 days expire, if Billy does not get off. It will be advisable in you to urge upon the Department to sustain Gen. Blake in his call for the volunteers, ready at the time, and I feel almost sure we will get the Indians out without firing a hostile gun, and consequently, all our frontier inhabitants remain in perfect security. The advice which I here offer, is respectfully tendered. I believe that, if I am allowed money and time, the Indians will not trouble us many months longer. In my peaceful operations, every inducement will be offered them to go in to Gen. Blake. The whole population are anxious for me to go ahead, about Tampa Bay particularly.

Yours very respectfully,

B. HOPKINS.

[From General Blake to General Hopkins.]

FORT MYERS, August 13, 1852.

SIR:—In answer to your note of the 5th inst., in which you say that you are directed by the Governor to co-operate with me in my endeavors to remove the Seminoles, and asking whether it will be of benefit to emigration, that the force you have had, and still have in service, should continue, I think they have been of much benefit, and their withdrawing now, I know would be very injurious.

Very respectfully,

To General B. HOPKINS.

Commanding and State Agent.

LUTHER BLAKE,

Special Agent, &c., &c.

[From General Blake to Governor Brown.]

PALATKA, Sept. 8, 1852.

SIR:—I arrived here with Billy Bowlegs, and other Big Indians of the Seminole tribe, on the 5th instant. We leave to-morrow for Washington City—be gone about three weeks. I want Gen. Hopkins now to hold back, and we will have them off in spite of Capt. J. C. Casey. I have had an interview with Gen. Hopkins on the subject. He is now unwell, but will be at his post of duty, in a few days.

I have the honor to be,

His Excellency, THOMAS BROWN,  
Tallahassee.

LUTHER BLAKE,

Special Agent, &c., &c.

[From Governor Brown to the Hon. A. H. H. Stuart.]

EXECUTIVE DEPARTMENT, FLORIDA,  
Tallahassee, September 7, 1852.

To the Hon. A. H. H. STUART, *Secretary of the Interior, &c.*

SIR:—I have the honor to transmit to you, as the proper organ of the administration, on this subject, the enclosed copy of a report

made to me by Gen. Hopkins, which I deem it important should be laid before the President, with this short account of some transactions in regard to the remnant of the tribe of Seminole Indians yet remaining in Florida. Having received satisfactory information that a band of the Indians had passed over their prescribed boundary, and were committing depredations upon the property of the citizens of this State residing on the frontier, and that just cause of alarm existed, for the peace and security of the settlements, on the 21st February last, I ordered Major General Benjamin Hopkins, commanding the 2d division of the Militia of this State, as special agent, to repair to the frontier with a small force; as well for the purpose of making enquiries into the causes of alarm, as for the protection of the inhabitants and their property. I was induced to select Gen. Hopkins for the performance of this duty, from my knowledge of his prudence, capacity and long acquaintance with Indian character and habits; and instructed him to communicate with Gen. Blake, the special agent on the part of the General Government, for the purpose of negotiating with the head chiefs of the tribe for their emigration to their home in the West; and also with the officer commanding the U. S. Troops at Tampa, and to co-operate with them, and to do no act that might have a tendency to embarrass the objects of Gen. Blake's mission; but to capture and deliver to him, all Indians found outside of their bounds.

On the 25th and 27th of March, Gen. Hopkins reported to me that he had come upon a party of Indians, fifty miles or more outside of their boundary, and that he had succeeded in capturing eleven of them—the rest escaped. He informed me that he found settlements of Indians, with houses, and cultivated fields a long distance from their boundary, and some not far from the white settlements. The Indians captured were delivered to Gen. Blake, and have been sent to join their tribe in the West. About the first of August, at the request of Gen. Blake, Gen. Hopkins met him at Tampa, and accompanied him to Fort Myers, where he had an interview with Billy Bowlegs, the head chief, and had a talk with him, the substance of which is related in his report, a copy of which is enclosed.

I respectfully beg to repeat my conviction of the propriety of the course I had the honor to suggest to the department of War, and subsequently through the Representatives in Congress from this State to the Department of the Interior. Had parties of surveyors, with an adequate volunteer force for their protection, been sent into the Indian reserve, at the time Gen. Blake commenced his negotiations with the aid of the delegation from Arkansas, I verily believe his offers would have been accepted, and before this day, the Indians would have been out of Florida, without the sacrifice of any lives, and ultimately, with less expense to the Government. This temporizing policy will never accomplish their removal. So long as they are induced to believe that the President will not resort to force to effect their removal, all efforts to persuade them to emigrate quietly

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will be unavailing, and every failure to coax or pay them off, will only tend to increase their exorbitance and presumption. I understand that Gen. Blake visits Washington impressed with these views, and perhaps will take Bowlegs with him.

I trust that his opinions on this subject may be properly estimated, and a firm and decided course may be determined on by the Government in regard to the disposal of these Indians. The "Olive Branch" has been held out to them long enough—let the sword be now presented with it as the alternative. The people of Florida expect it, and will submit no longer to this blight upon their prosperity without an effort to remove it. If the General Government will not comply with its obligation to remove these Indians, the people of Florida must of necessity undertake it, be the consequences what they may.

I hope I shall be favored with the views of the President as soon as it may suit his convenience to give his attention to it, upon this subject.

I am, with considerations of high respect,

Your most obedient servant.

THOS. BROWN.

[From the Secretary of the Interior to Governor Brown.]

DEPARTMENT, OF THE INTERIOR,  
Washington, October 13th, 1852.

SIR:—Your letter of the 7th ultimo was received at the department during my absence in Virginia, and my attention has but recently been called to it.

The visit of Billy Bowlegs, and other prominent Seminoles, to this City, resulted in an agreement between them and the Commissioner of Indian Affairs, which it is hoped will lead to an early emigration of all the Indians from Florida, without resorting to other than the means now employed to effect the object. A copy of that agreement I have the honor to enclose.

As to the proposed survey of the lands, occupied by the Indians, I have had occasion heretofore to examine that matter, and became satisfied that the survey could not be ordered without further legislation by Congress.

In connexion with this subject I respectfully refer you to the copy, herewith, of a communication from the Commissioner of the General Land Office.

Trusting that the continued co-operation of the authorities of Florida, and the General Government may result in the speedy removal of all the Indians from the State,

I have the honor to be, very respectfully,

Your obedient servant,

ALEXANDER H. H. STUART, Sec'y.

His Excellency, THOMAS BROWN,

Governor of Florida, Tallahassee.

[From J. Butterfield to the Secretary of the Interior.]

GENERAL LAND OFFICE,  
January 8th, 1852.

To the Hon. A. H. H. STUART,

Secretary of the Interior:

SIR:—The accompanying letter from the Hon. S. R. Mallory, of Florida, expresses the desire that, while the Indian Department is attempting to remove the Indians from Florida, the Government may be induced to order the surveying the body of country known as the *neutral ground*, between the Indians and Whites, under the expectation that such surveys will tend to convince the Indians of the earnest intentions of the Government towards removing them, and induce them the more readily to remove.

The accompanying map shows, by the *red* line, the temporary Indian boundary as arranged in the pacification of 1842.

General Worth recommended the reservation of a body of country twenty-five miles north of said line, as indicated by the *yellow* color, as neutral ground; but the President, on recommendation of this office, sanctioned the reservation of twenty miles exterior to the *red* line, and as shewn by that colored *green*, by order dated 19th May, 1845, as the neutral ground between the Indians and Whites.

The lands in this neutral ground, between the *red* and *green* lines, are, it is believed, in great part subject to periodical overflow, and therefore unfit for cultivation, and liable, consequently, to be claimed by the State of Florida, as *Swamp Lands* under the Act of 28th September, 1850.

Having promised Mr. Mallory to examine into this matter, and report to you respecting it, I have to state that those lands are and have been reserved by Executive orders for the purpose stated, since 19th May, 1845—that no survey of them, therefore, could be ordered until the Executive saw proper to revoke the existing order for their reservation, and further, that, if the existing order were revoked, this office, with the existing impression that those lands are mostly of that character which renders them liable to be claimed as Swamp Lands, could not recommend the surveying of them.

With great respect,

Your obedient servant,

J. BUTTERFIELD, Commissioner.

*Memorandum of an Agreement between LUKE LEA, Commissioner of Indian Affairs, and BILLY BOWLEGS, NOKOSE EMARTHLAH, FOSCHATCHLEE EMARTHLAH, and CHOCOTE TUSTENUGGEE, Chiefs and Head Men of the Seminole Indians in Florida:*

The said Indians having visited Washington, for the purpose of seeing the President and Commissioner of Indian Affairs, and of understanding from them what the Seminoles in Florida were required to do in regard to their removal West, and being now satisfied, from what the President and Commissioner have said to them, that they, and all the Seminoles in Florida, are under obligations to remove,

do hereby agree to use all their influence for the purpose of getting their people to emigrate, at the earliest possible day.

The said Lea, Commissioner, as aforesaid, agrees that the Indians shall be comfortably transported to their country West of the Mississippi, and that for all the stock, and other property, they may leave in Florida, the owners shall be paid a reasonable price. After their removal, the Government will, by treaty, or otherwise, adopt such measures as may be necessary and proper for their protection and support. Their removal is to be conducted by General Blake, or such other agent as the Government may appoint. And the Chiefs and Head Men who sign this agreement, faithfully promise to give the said Agent all the assistance in their power, so that the removal of all the Indians in Florida may be effected with the least possible delay.

Signed at the City of Washington, this 20th day of September, 1852.

WITNESS:

his  
JNO. JUMPER, ✕  
mark.

his  
SARPARKE YOHOLLO, ✕  
mark.

his  
ABRAM, ✕ Interpreter,  
mark.

L. BLAKE, Agent,  
JOAB GRIFFIN,  
JACKSON MORTON,  
R. K. CALL,  
JOSEPH M. HERNANDEZ, \*  
R. T. BIRCHETT,  
J. M. HANSON.

L. LEA, Com. Ind. Affairs,

his  
BILLY BOWLEGS, ✕  
mark.

his  
NOCOSE EMARTHLAH, ✕  
mark.

his  
FOSCHATCHEE EMARTHLAH, ✕  
mark.

his  
CHOCOTE TUSTENUGGEE ✕  
mark.

[From Governor Brown to the Secretary of the Interior.]

EXECUTIVE DEPARTMENT, FLORIDA, }  
Tallahassee, November 11, 1852. }

SIR:—I have the honor to acknowledge the receipt of your letter of the 13th ult., with a copy of an agreement made the 20th day of September last, with Billy Bowlegs, and other prominent Seminole Chiefs, who recently visited Washington city, under charge of Gen. Blake, Special Indian Agent, and also a copy of a letter from Mr. Butterfield, late Commissioner of the General Land Office. I understand that Bowlegs and his party have returned to their nation; but I have not yet heard anything from Gen. Blake, in regard to any movement on their part, indicating an intention to comply in good faith with their agreement to remove "with the least possible delay"—and indeed, by this paper, they only "agree to use their influence for the purpose of getting their people to emigrate at the earliest possible day," without fixing on any definite time in which it must be performed. We believe that, with their people, their in-

fluence is paramount, if they choose to exert it. But, from experience, we have cause to know that their promises are not to be relied upon. Therefore, I am not very sanguine of any favorable result from this last agreement, unless prompt steps are taken to satisfy them that further procrastination will not be allowed.

I am now the more firmly convinced of the propriety of my proposition for an immediate survey of the country which they occupy. Such a movement, at this time, would have a more salutary effect to influence a compliance with their agreement, than all the regular troops that could be sent into their country; and I regret to understand that, from an examination of the subject, you have "become satisfied that the survey could not be ordered without further legislation by Congress." I beg leave to remark that, in the proposition which I had the honor to submit, for the survey of the country inhabited by the Indians, nothing was said about the survey of "neutral ground." The State of Florida does not recognize any neutral ground, within her limits, over which her sovereignty does not extend. In regard to the opinion of Mr. Butterfield, on this subject, and the propriety of surveying lands in Florida which may be deemed liable to be claimed as Swamp Lands, I respectfully refer you to the act of Congress of the 28th September, 1850, "to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits," in which it is declared "that it shall be the duty of the Secretary of the Interior, as soon as may be practicable, after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of Arkansas, (Florida,) and, at the request of said Governor, cause a patent to issue to the State therefor, and on that patent, the fee simple to said lands shall vest in the said State." Now, may I not respectfully ask, if this act does not contemplate a survey of those lands? Else, how is the Secretary of the Interior to perform the duty assigned him, "to make out accurate lists and plats," so that "a patent may issue to the State therefor. And the obligation surely is not the less binding when a double duty is effected, to-wit: the fulfilment of a treaty stipulation, in the removal of the Indians, as well as the survey of the lands, which will enable Florida to acquire title, as other States have done, under a grant made by Congress.

These are important subjects, in which the prosperity of this State is deeply concerned, and as the General Assembly will soon be in session, I hope you will favor me with your opinion more fully, in time for me to make a communication to that body.

With the assurance of the continued co-operation of the authorities of Florida with the General Government, in its efforts to effect a speedy removal of the Indians from the State,

I have the honor to be, Very respectfully, Your most ob't. serv't.,

THO. BROWN.

Hon. A. H. H. STUART,  
Secretary of the Interior.

[From General Hopkins to Governor Brown.]

PALATKA, November 7, 1852.

MY DEAR SIR:—Your letters of the 13th and 30th of October, I have the honor herewith to acknowledge. Your instruction in relation to the Indian (Chieft) shall be adhered to. From authentic information, conveyed to me from Enterprise by the steamer of 2d this month, I learn signs of over twenty (20) Indians have been seen on the west bank of Indian River, apparently made the evening before. The sign was discovered by a small party of my men, sent out from the post, on that, the east side of Lake Monroe. The detachment consisted of only four men, and one Lieutenant. Similar reconnoitering parties are regularly sent out by my orders, for the better security of the inhabitants on the frontier. From the nearest, not over thirty-five miles, the sign was discovered. I shall leave my head-quarters in a day or two, for Fort Mellon, and from thence, expect to direct my line of march for the late Indian sign, and trail them to their residing places, if possible; from thence directing my course for Fort Capron, on Indian River, U. S. Post, where I have supplies. Shall visit Jupiter Inlet, examining closely the intermediate country to Okeechobee Lake, returning by way of the Kissimee. This country has never been explored by the whites. It is all along way within our limits, and from an Indian I have learned that a body of Sam Jones' tribe are now digging complot there, and waiting for me. From the severe and almost uninterrupted exposure of myself and men, fever has made its appearance among us, and only two out of our number (thirty-five or forty men) have escaped. I am now laboring under intermittent, and twelve men reported unfit for duty out of thirty-five. Under these unavoidable circumstances, and considering the importance of the investigation to the State I am about to make, I have ordered from Capt. Irwin's company of mounted volunteers, twenty men, with himself, to repair to Fort Mellon, as an additional force. The sick must be left in Post. My command will then be about forty men, or over; a force small enough to penetrate the country I am about to visit, and resist the dangers that might arise. Capt. Irwin's company have not yet been on pay, and will only be enrolled from the date of their departure for the present expedition. I am clearly of opinion, had you refused the frequent applications made to you by the frontier settlers, that long before this time many families would have been murdered, and the entire line of occupants been broken up. You can readily see, even with the constant vigilance I keep up, how daring these savages are, and they are only waiting a fit opportunity to strike a deadly blow upon our inhabitants, in retaliation for what we have done. There can be no safety for us while an Indian lives in the land. The administration has determined to put them out. If the Indians are sincere in their promise to remove, why, a few weeks would suffice, for gathering their goods and chattels. It would be an assurance of their sincerity. If they do not intend to go, every hour places them in a

better situation for resistance. The undecided, and vacillating course heretofore pursued by our Government towards these savages, even gives them (the Indians) a contempt for our authority, and causes them to construe forbearance, into fear. Billy told me, while here, that he would not go. It has been quite an oversight in the General Government, allowing arms and ammunition sold the Indians at all, after the agreement made by Gen. Worth. Mr. Canada, one of the settlers, says he sold from his store alone, four hundred rifles, since that agreement. Billy purchased here a keg of powder, I am told.

If Gen. Blake suspends operations until March, without any demonstration on the part of the Indians, for removal, you may give them another year here, or more. Your orders in relation to my muster rolls, &c., shall be obeyed; it will however be impossible to perfect every thing until my return from the present expedition.

I have the honor to be yours,

Very respectfully and truly,

B. HOPKINS,

Maj. Gen. 2d D. F. M., and Special Agent.

His Excellency THOS. BROWN,

Tallahassee.

## SWAMP AND OVERFLOWED LANDS.

From Governor Brown to B. A. Putnam, Surveyor General of Florida.

EXECUTIVE DEPARTMENT, FLORIDA, }  
TALLAHASSEE, April 22, 1851. }

Sir: I received from the Commissioner of the General Land Office, during the late session of the General Assembly, a letter enclosing a copy of "Instructions to the Surveyor General of Florida," for the selection of "the Swamp and Overflowed Lands" granted by Congress to the State of Florida, and I intended to have communicated with you on the subject immediately on the adjournment of the Legislature, in obedience to an act of that body, empowering me to take the necessary measures for securing the lands to which the State is entitled under that grant; but a favorable opportunity offering to visit the Keys on the Florida coast, and the Everglades on the peninsula, from whence I expected to obtain information which might be important to the State, in regard to the better performance of the duty imposed upon me, I delayed writing until my return.

Mr. Butterfield, the Commissioner, says: "You will perceive that by these instructions, the Surveyor General is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State; and as many of the lands were probably surveyed at dry seasons, and hence are not rep-

resented by the descriptive notes or plats as being of that character, I have supposed that it may be a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your State, for a statement under oath of the swamp or overflowed lands in their respective counties."

"Such testimony, you perceive, will be regarded as establishing the facts in the case," &c. In this, I recognize great liberality on the part of the Commissioner; and it is my duty to the State to avail myself of it, as far as practicable. But how to accomplish it in the best way, I find much difficulty, and want information. It seems to me that nothing can be done on my part, until you have fully acted on the subject, in accordance with the instructions given you; and then it will be necessary that I be furnished with a complete set of maps of all the surveys made in the State, noting accurately all the lands that have been disposed of by the United States up to the date of the grant by Congress, with the swamp and overflowed lands designated by you to the State; and until put in possession of such information, it seems impossible for any persons appointed on the part of the State to act in the matter.

Believing that you feel, with me, a deep interest in behalf of the State, in a proper performance of this duty, I beg that you will furnish me with such information and advice as you may deem useful.

I am, very respectfully, your most obedient servant,

THOMAS BROWN.

Major B. A. PUTNAM, Surveyor General of Florida.

From B. A. Putnam, Surveyor General, to Governor Brown.

SURVEYOR GENERAL'S OFFICE, }  
St. Augustine, May 1st, 1851. }

Sir:—I have the honor to acknowledge the receipt of your official communication of the 22d ult, in relation to the swamp and overflowed lands granted to the State by Congress. Great difficulty suggested itself to me in making the selection, and I addressed the Commissioner on the subject, and determined to delay my action until I should receive further instructions, and until I could be advised what steps the State authorities would adopt, and receive such satisfactory evidence to ascertain the lands embraced in the grant, as they should furnish to me.

I have received no further instructions, and your communication removes all cause for further delay on my part. I will address the Commissioner again on the subject, and enclose a copy of your letter, and then take such action as I shall be advised by him.

I am very respectfully,

Your Obedient Servant,

B. A. PUTNAM, Surveyor General.

His Excellency, THOMAS BROWN, Governor of Florida.

From Governor Brown to B. A. Putnam, Surveyor General of Florida.

TALLAHASSEE, June 24, 1851.

Sir: The Commissioner of the General Land Office having, in his instructions to you of the 21st November last, expressed the wish that the duty of designating the swamp and overflowed lands granted to this State by Congress should be performed as "speedily as possible," I am desirous that no unnecessary delay may be interposed on the part of the State authorities.

In view of the many difficulties which would attend the appointment of agents in each county, without a prospect of accomplishing the object desired, I am of the opinion that the duty would be better performed by the appointment of one or two qualified persons, well acquainted with the land surveys in this State, to act with you in making out the necessary lists from the field notes of the surveys on file in your office, and who could—when they believed the facts or information obtained would authorize it—visit any particular portion of the State, and make the requisite examination in person.—And as it is probable you would require additional clerks to enable you to perform the duty, they would serve that purpose, by being allowed a reasonable compensation as *extra clerks* in your office, with a moderate compensation on the part of the State. In this way, the duty would be better performed, without a heavy charge, either to the State or the United States.

I shall be glad to hear from you on this subject; and if you approve the suggestion, would unite with you in recommending suitable persons, or I would be glad to have from you any view or plans you may think proper to suggest.

I am, very respectfully, your most obedient, &c.,

THOMAS BROWN.

Major B. A. PUTNAM, Surveyor General of Florida.

From B. A. Putnam, Surveyor General, to Governor Brown.

SURVEYOR GENERAL'S OFFICE, }  
St. Augustine, July 7th, 1851. }

Sir:—I have received your official communication of the 24th June, in relation to the selection of the swamp lands given by Congress to the State of Florida. In reply, I beg leave to say that any arrangements that may be adopted by the Commissioner and yourself will be executed by me as promptly as practicable. I prefer that, if any State Agent shall be appointed, that they shall be independent of this office, and be paid as such, and not as my clerks. But I leave this matter to be adjusted as the Commissioner and yourself shall determine, as I am unwilling that any views or wishes of mine, shall either embarrass or defeat any plan that may be deemed desirable. In the meantime, and until I hear from the Commissioner, and receive his further instructions in the premises, I will delay further action.

I am, very respectfully, your obedient servant,

B. A. PUTNAM, Surveyor General.

From Governor Brown to B. A. Putnam, Surveyor General.

EXECUTIVE OFFICE, FLORIDA,  
Tallahassee, November 15th, 1851.

Sir:—In accordance with the instructions and suggestions of the Commissioner of the General Land Office, of the 21st November, 1850, and in obedience to the Act of the General Assembly of this State, passed 24th January, 1851, directing the Governor "to take such measures as to him may seem expedient, and most to the interest of this State, in securing and classifying the lands lately granted to this State, designated as Swamp and Overflowed Lands," I have appointed Mr. Henry Wells, and Dr. Arthur Randolph, as Agents on behalf of the State to perform this duty. Their character and qualifications being well known to you and at the General Land office at Washington, and their experience and acquaintance with the land surveys in this State, will insure full confidence in their acts, and I am sure will receive from you all the aid and assistance in the performance of this important work for the State, that they may need.

I am, with high respect, your most obedient, &c.

THOMAS BROWN.

Maj. B. A. PUTNAM, Surveyor General of Florida.

From B. A. Putnam Surveyor General, to Governor Brown.

SURVEYOR GENERAL'S OFFICE,  
St. Augustine, December 9th, 1851.

Sir:—Your official communication of the 15th November, ult., advising me that Dr. A. M. Randolph and Henry Wells, have been appointed State Agents for the selection of lands granted to the State by act of Congress, 28th September, has been received.

I am, very respectfully, your obedient servant,

B. A. PUTNAM, Surveyor General.

His Excellency, THOMAS BROWN, Governor of Florida.

[From Governor Brown to the Commissioner of the General Land Office.]

TALLAHASSEE, December 23, 1851.

Sir:—By the act of the General Assembly of this State, it is declared, "that the Governor is authorized, and hereby requested, to take such measures as to him may seem expedient and most to the interest of this State, in securing and classifying the lands lately granted to this State, designated as Swamp or Overflowed Lands," and as I possess very little information in regard to the practical part of such duty, and, from the sparse population of most of the Counties in the State, I know that I would not be able to find "County Surveyors, or other reputable persons," who could perform properly the duty of selecting the Swamp Lands, I have appointed Mr. Henry Wells and Dr. Arthur Randolph as Special Agents for the State. They have both been, for many years, largely engaged in the survey of public lands in this State, and are well known at the Surveyor General's Office, and, I presume, at the General Land Of-

fice; and, in addition to their qualifications and experience, are gentlemen of high character, whose acts can be relied upon.

Dr. Randolph has gone to St. Augustine, for the purpose of undertaking the duties which he has engaged to perform. But, from the enclosed letters addressed to me, and the one from the Surveyor General to him, there appears to be some difficulty in obtaining access to the notes and maps, which are necessary to enable him to go on with the work. The subject being novel to me, I have thought you will be better able to understand what is desired, by enclosing to you the letters, than I could explain without them. I respectfully ask that the access desired may be granted, if it is not incompatible with the regulations of the Office.

I understand that, with the early surveys in this State, the field notes were not returned, or not fully returned, to the Surveyor General's office, and, in such cases, it is made the duty of the State Agents to make personal examination and report. Dr. Randolph thinks what the Surveyor General is now doing in the way of selections, is useless, and calculated to create confusion. I have, therefore, requested him to suspend further operations until he, or myself, can receive instructions from you.

You would greatly oblige me, if we are not pursuing a proper course, to give me such advice and instructions as you may deem useful.

I am, with high respect,

Your most obedient servant,

THO. BROWN.

J. BUTTERFIELD, Esq.,

Commissioner General Land Office.

Copy of a contract made with HENRY WELLS, and A. M. RANDOLPH, as State Agents to select the Swamp Lands.

In accordance with the provisions of an Act of Congress entitled, "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits, approved September 28th, 1851, and of an act of the General Assembly of Florida passed in conformity therewith, entitled an Act to secure the Swamp and Overflowed Lands lately granted to the State, and for other purposes, approved January 24th, 1851," I Thomas Brown, Governor of the State of Florida, by and under the power and authority therein conferred, have agreed and do hereby enter into contract with Henry Wells and Arthur M. Randolph, of the State of Florida, as agents on behalf of the said State, to execute the duties contemplated by the aforesaid acts and under the instructions which have been given or which may hereafter be given, by the Commissioner of the General Land Office of the United States, to the Surveyor General of Florida, or in any other form. In the performance of this work, the said Henry Wells and Arthur M. Randolph, covenant and agree to use all due and proper diligence in securing and classifying the



lands lately granted to this State, designated as "Swamp or overflowed Lands." The basis of their operations will be the Township Maps which they will obtain from the office of the Surveyor General; and from the several local land offices in the State, the numbers of all entries or lands previously disposed of by the General Government, and will test the accuracy of the Topography by examination on the ground, correcting all important errors and noting the true line of overflow. Every legal subdivision embraced within such line will be entered in a note book to be kept in the following form:

Selection.	Section.	Township.	Range.	Area.	Remarks.
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From these lists and the eye, draughts, diagrams, or if necessary, actual measurements made in the field, will be compiled maps, one of every Township, exhibiting the topography as corrected, the line of overflow, private entries, grants, reservations and lands already owned by the State. On return to the office of the Register of Public Lands, of this State, the note books containing the lists as above specified, an entry for each legal subdivision, and a complete set of Township Maps, made with accuracy and sufficient neatness to be forwarded to Washington as originals from which the final copies are to be made, will be the performance of this contract; and the duties herein agreed to be performed, and the obligations into which the said Henry Wells and Arthur M. Randolph have entered and will entitle them to receive eight mills for each acre of "Swamp and overflowed Lands" selected and returned by them and confirmed to the State by the authorities at Washington, as contemplated by the act of Congress before recited. And it is hereby stipulated and agreed, by the authority in me vested, that the said Henry Wells and Arthur M. Randolph shall be allowed and entitled to receive eight mills per acre for all the "Swamp and overflowed Lands" which they shall secure and return with the proper note books, entries, maps, &c., as herein before stipulated, and which shall be confirmed to the State, to be audited by the Comptroller of this State, and "paid out of any monies received from the sale of said Lands" as provided by the act of the General Assembly before recited. To the true intent and meaning whereof, the parties have jointly subscribed this contract and agreement in duplicates.

THOMAS BROWN,  
HENRY WELLS,  
ARTHUR M. RANDOLPH.

[Commissioner of the General Land Office to Gov. Brown.]

GENERAL LAND OFFICE,  
January 22d, 1852.

SIR:—In reply to your communication of the 23d ultimo, inclosing a letter from the Surveyor General of Florida, to Dr. A. M. Ran-

dolph, and also Dr. R's. letter to you, I have the honor to state, that the Surveyor General of your State has transmitted to this Office, certified lists of Swamp and Overflowed Lands enuring to the State of Florida, under the Act of Congress, approved September 28th 1850, in all the Land Districts of that State. So far as these lists have been examined in this Office, they appear to be correct. The Surveyor General, however, remarks that there may be other Swamp Lands in the Townships of which he has reported a part, and in other Townships where he has selected none, which are not so designated by the field notes in his office. He also states that so far as these selections have been made, he has been governed entirely by the field notes—and if, as he suggests, there should be other Swamp Lands in those Townships, or in other portions of the State, his action will not deprive the State of her just rights in the premises—as his reports will not be regarded by this office, as excluding any lands that may be ascertained by actual examination, to be "swamp or overflowed," within the meaning of the Act, from being hereafter reported, approved and patented to the State, notwithstanding the field notes do not describe them as "Swamp or Overflowed" Lands. The agents appointed by you can examine the character of those other lands, (should there be any,) and if they can furnish satisfactory evidence to the Surveyor General that there are Swamp Lands other than those embraced in his reports, he will report them, accompanied, however, with his approval, and such testimony as they may adduce, to this office. The action of the Surveyor General thus far, instead of creating confusion, as is alleged by Dr. Randolph, will only facilitate the work of the State's Agents, and vastly decrease their labors. Agreeably to the instructions issued from this office, selections made by the State authorities, cannot be recognized by this office, without the approval of the Surveyor General, as first obtained thereto. If the Surveyor General has already reported all the lands that are shown to be "Swamp and Overflowed" by the field notes in his office, the necessity for access to his books and papers, by the State's Agents, simply for information to enable them to discharge their duty, is entirely obviated, as the records in his office, in that event, will not furnish them with any further information, than what he has already acted upon and reported, and with which, as I conceive, they have no legitimate right to interfere. And, if he has not selected and reported all the lands that are shown to be Swamp and Overflowed by the field notes, he will be instructed to do so without unnecessary delay. It might perhaps be of service to the State's Agents to be furnished with copies of the selections already reported—instructions will be given to the Surveyor General to furnish the same upon their application therefor.

It is believed that a portion of the surveys in Florida were made during the dry seasons of the year, and consequently the field notes do not fully show the character of all the surveyed lands. To obviate the difficulties in such cases, the Surveyor General will be di-

rected to furnish diagrams of the Township plats of such Townships or parts of Townships, upon the application of the Agents of the State, so far as they may, by satisfactory evidence, establish the fact that the same embrace lands rendered unfit for cultivation by being Swamp or Overflowed, and so far as in his judgment the same may be absolutely necessary to enable them to discharge their duties properly. When they have completed their examinations, they will report the selections, supported by proper affidavits, to the Surveyor General, and he, if satisfied of their correctness, will approve and report the selections thus made, together with the evidence furnished, to this office, for final action thereon. In no event, however, can any of the official records or papers, of the Surveyor General's office, be taken from that office, for any purpose whatever—yet, he will be requested to afford the State's Agents, in the prosecution of enquiries connected with their duties, such reasonable facilities, as will not interfere with the current business of his office.

I herewith inclose you a copy of my letter to the Surveyor General—bearing even date herewith—giving him the instructions intimated in this letter.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. BUTTERFIELD, *Commissioner.*

His Excellency, the Governor of Florida,  
Tallahassee, Florida.

[From J. Butterfield to Major Putnam.]

GENERAL LAND OFFICE,  
January 22d, 1852.

B. A. PUTNAM, Esq., Surveyor General,  
St. Augustine, Florida:

SIR:—The Agents of the State of Florida, in the discharge of their duties in reference to the Swamp and Overflowed Lands, may find it necessary to be possessed of copies of the lists of selections you have already reported, and you are requested to furnish such copies on their application.

In the letters accompanying your lists of Swamp and Overflowed Lands it is not stated whether you have selected *all* the lands which the field notes of your office indicate to be of that character. If you have not selected *all* you will proceed to select and report the residue as soon as practicable.

It is believed that a portion of the surveys in Florida was executed during the dry season of the year, and consequently the extent to which the same are subject to overflow; and unfit for cultivation from that cause, is not ascertainable from the field notes in your office. It is understood to be the duty of the State's Agents to endeavor to determine the extent to which such lands surveyed in the dry season are subject to overflow, and in order to do so they may

find it necessary to be furnished with copies of the plats or diagrams of such Townships or fractional Townships as are liable to be so affected, and to the extent that you are satisfied that such copies are necessary for the purposes referred to, you are requested to furnish them.

To facilitate such operations there is herewith furnished a number of *printed diagrams* which may be used in the work.

I herewith transmit to you a copy of a communication of this date addressed by me to the Governor of Florida, to whom a copy of this letter has also been transmitted, with a view to understanding and harmonious action between you.

In the prosecution of enquiries connected with their duties, the Agents of the State will be afforded such reasonable facilities as will not interfere with the current duties of your office.

Very respectfully,

Your obedient servant.

J. BUTTERFIELD, *Commissioner.*

[From Governor Brown to Major Putnam.]

TALLAHASSEE, March 9, 1852.

SIR:—In December last, at the request of Dr. A. M. Randolph, I wrote to the Commissioner of the General Land Office on the subject of the selection of the Swamp and Overflowed Lands, and received in reply a letter dated 22d January, and a copy of a letter of the same date addressed to you on the same subject.

My object is to secure to the State the lands granted by Congress with as much accuracy and with as little cost as circumstances will permit. In the copy of the letter to you, the Commissioner says: "The affidavits of the County Surveyors and other reputable persons that they understand, and have examined the lines, and that the lands bounded by lines thus examined, and particularly designated in the affidavits, are of the character embraced by the law, should be sufficient." Knowing that the County Surveyors generally know little or nothing of the land surveys in Florida, and many of them are probably ignorant of practical surveying, and that it would be to the interest of all parties that the duty should be performed by men of character and experience, I selected Dr. Randolph and Mr. Wells, from their known standing and practical information, who could greatly facilitate the performance of the work, and relieve you from much trouble. I did not imagine that any difficulty could occur. I cannot think that any will occur. It is a duty with which you are more familiar than I can possibly be; and there being no motive to do other than right, there should be nothing surely to prevent "harmonious action between us."

The Agents are very desirous to commence the work, and to complete it as they go. They have, therefore, directed me to request of you to take up one District of the State at a time, say the Western District, and finish your "designation" from the field notes in your office; and that they may be furnished with copies of the plats

or diagrams necessary to enable them to ascertain and report such other lands properly coming within the provisions of the grant which may not have been embraced in your designation and report; and I would remark that this seems to me to be the most simple and straight-forward course that can be adopted.

I am, very respectfully,

Your most obedient servant,

Major B. A. PUTNAM,

*Surveyor General of Florida.*

THOMAS BROWN.

[From the Surveyor General to Governor Brown.]

SURVEYOR GENERAL'S OFFICE,  
St. Augustine, March 22d, 1852.

SIR:—I have the honor to acknowledge the receipt of your official communication of the 9th inst., in relation to the Swamp and Overflowed lands granted to the State by Congress. I beg leave to assure you that, as it is my desire, so it shall be my endeavor, to act in harmony with you, in the execution of this duty. I am not aware of the existence of any cause that can produce disagreement between us, at least of any embarrassing nature.

In your communication of the 19th December, 1851, I find the following clause: "I, therefore, respectfully request that you will suspend further operations, until I receive a reply from the Commissioner of the General Land Office." In consequence of this request, I have delayed to make any further selections, up to this time.

The chief difficulty is in ascertaining, not the Swamp Lands, but the Lands liable to be Overflowed. To them, it seems to me, the attention of the agents ought to be directed. I am willing to commence the selection at any point or division of the State you shall think best. The most simple and efficient mode of proceeding, it occurs to me, will be, for the agents to make their examinations by Townships—beginning, as you suggest, in the Western District—of such Lands as *are liable to Overflow*, and, as they complete a Township, let them report the result to this office. I will then take up the same Township, and ascertain the Swamp Lands, by the field notes, and make out the Schedule, which I am requested by the Commissioner to make out and forward to him, and to the local officers in Florida, and a copy will be forwarded to you. In this way, the selection will be done in harmony, and promptly and efficiently, and the Schedules will be complete, and show all the Land to which the State is entitled, in the various Townships. If this suggestion meets your approbation, and you will so instruct the Agents, the Schedules shall be made up in this office as rapidly as the Agents shall furnish their reports.

I am, very respectfully,

Your obedient servant,

B. A. PUTNAM,

*Surveyor General.*

His Excellency, THOMAS BROWN,

Governor of Florida.

[From Governor Brown to Major Putnam.]

TALLAHASSEE, April 9, 1852.

SIR:—I have the honor to acknowledge the receipt of your letter of the 22d ult. I think the course which should be pursued in the selection of the "Swamp and Overflowed Lands," under the provisions of the Act of Congress and the instructions of the Commissioner of the General Land Office, have been so clearly pointed out in his letters of the 22d January last, that there can be now no difficulty in the way of our executing the work on our part with entire harmony. It was my opinion, in the first instance, that you were required first to make the selections from the field notes in your office before the State Agents could commence their examinations, and it appears that you entertained the same opinion; but Dr. Randolph was of a different opinion, and it was to settle this difficulty that I wrote to the Commissioner of the General Land Office, when I requested you to suspend further operations until I received his reply and further instructions, which are given in his letters above referred to, in which he says: "The action of the Surveyor General thus far, instead of creating confusion, as is alleged by Dr. Randolph, will only facilitate the work of the State Agents, and vastly decrease their labors." In this opinion I entirely concur, and it is the very course I desired to pursue, so that the State Agents may follow you in the work.

But you say in your letter of the 22d March, "The most simple and effectual mode of proceeding, it occurs to me, will be for the agents to make their examination by townships—beginning as you suggested, in the Western District of such lands as are *liable to overflow*, and as they complete a Township, let them report the result to this office. I will then take up the same township and ascertain the *swamp lands* by the field notes." This course, surely, would not be in conformity to the instructions of the Commissioner, and would, I am sure, create the confusion we desire to avoid; because, even all the swamp lands may not have been reported by the field notes, and the object in employing State agents, is, after you have made your report from the *field notes* in your office, the State agents may take up the work, and after examination in person, report such *swamp and overflowed lands* coming within the provisions of the grant as may not have been reported by the field notes in your office.

The Commissioner says in his letter to me, "He (the Surveyor General) also states that so far as these selections have been made, he has been governed entirely by the field notes, and if, as he suggests, there should be other swamp lands in those townships, or in other portions of the State, his action will not deprive the State of her just rights in the premises, as his report will not be regarded by this office as excluding any lands that may be ascertained by *actual examination to be swamp or overflowed lands*, within the meaning of the act, from being hereafter reported, approved and patented by the State, notwithstanding the field notes do not describe them as swamp and overflowed lands."

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It appears to me, therefore, clearly, as the instructions of the Commissioner, and evidently the proper course, that you shall first proceed to make the selections from the field notes and records in your office, and furnish the State agents with the necessary plats and maps as you progress, and they will then follow and complete the work, by *actual examination in the field*, and make the final report to you.

It should be remembered that your office affords no evidence of the entries and sales which have been made since the surveys; so that much of the *swamp and overflowed lands* which you might designate from the field notes as belonging to the State, may have become individual property before the grant by Congress. The State agents would, in this final report, correct these cases, and thereby save much trouble, and enable you to make a *clean* report to the General Land Office.

The agents are anxious to proceed in their work, and I hope you will prepare the plats and maps as you proceed; so that they may be obtained upon their application. And whatever portion of the State you commence with, they would be glad if you would complete the work as you proceed, furnishing the maps by township ranges.

I am, with high respect, your most obedient, &c.,

THOMAS BROWN.

Major B. A. PUTNAM, Surveyor General of Florida.

From B. A. Putnam, Surveyor General, to Governor Brown.

SURVEYOR GENERAL'S OFFICE, }  
ST. AUGUSTINE, April 16, 1852. }

Sir: I hasten to reply to your official communication of the 9th instant, received last night. I regret exceedingly that there should be any difference of opinion between us in relation to the mode of proceeding in the selection of the swamp and lands liable to be overflowed. I beg leave to call your attention to the letter of instructions from the Commissioner on this subject, dated the 22d January ultimo, a copy of which has been furnished to you. He writes thus: "It is believed that a portion of the surveys in Florida was executed during the dry season of the year, and consequently the extent to which the same are subject to overflow and unfit for cultivation from that cause is not ascertainable from the field notes in your office." "It is understood to be the duty of the State's agents to endeavor to determine the extent to which such lands surveyed in dry seasons are subject to overflow, and in order to do so, they may find it necessary to be furnished with copies of the plats or diagrams of such townships or fractional townships as are liable to be so affected; and to the extent that you are satisfied that such copies are necessary for the purposes referred to, you are requested to furnish them."

It seems to me that this paragraph briefly and clearly prescribes my duty, and that the construction which I have given to it is the true construction. I beg leave to remark, that none of my instructions on this subject require me to furnish even the Commissioner

with plats exhibiting thereon the selections of swamp and other land made by me; I am only required to furnish a schedule thereof, agreeably to the form given to me, exhibiting therein the section or part of section selected—the township and range, and quantity; and copies of these are to be sent to the local offices. To go beyond my instructions, and do what you require, would keep the whole force of this office constantly occupied, to the exclusion of the current and pressing business also claiming my attention.

If the agents desire copies of plats of *any township*, to be examined by them, in order to ascertain and report the quantity of land embraced therein liable to overflow, they shall, upon application, be furnished with them as speedily as practicable. Upon these township plats, they can designate in *ink* or *pencil lines*, as well swamp as lands liable to overflow; and having done so, upon returning them to this office, accompanied with their affidavits of their correctness, I will proceed to examine the same townships by field notes of the surveys, and select the lands indicated as swamp lands, adopting where the field notes are silent, the reported swamp lands by the State agents. I am, very respectfully, your obedient servant,

B. A. PUTNAM,

His Excellency Governor Brown.

Surveyor General.

From John Y. Bryant to Governor Brown.

WASHINGTON CITY, January 1st, 1852.

Sir:—After a service of fourteen years in the General Land Office, I have been induced to enter upon the business of a Land Agent in this city, so much needed by all sections of the country in which the public lands are situated. It has occurred to me, and been suggested by others, that the interests of your State may be greatly benefited by the employment here, of a competent agent, to protect and defend the rights of your State, by intelligent and prompt action in her behalf, in all cases of claims conflicting with those of your State, especially in regard to the selections making under the act of 28th September, 1850.

Should you desire to avail yourself of my experience in the varied questions that will arise in the progress of this or any other business before the General Land Office, I can assure you of vigilant and unceasing attention to any subjects entrusted to my care.

I am with much respect, your obedient servant,

JOHN Y. BRYANT.

Hon. THOMAS BROWN, Governor of Florida.

From Governor Brown to John Y. Bryant.

EXECUTIVE DEPARTMENT, FLORIDA, }  
TALLAHASSEE, January 8, 1852. }

Sir: I have just received yours of the 1st instant.

I am fully impressed with the benefits which might result to this State from the services of a competent agent at the City of Wash-

ington, to attend to the rights of this State in all cases of claims generally, but particularly in regard to the selections under the act of the 28th September, 1850, wherein I am sensible of my need of much information.

I shall be very glad to avail myself, on behalf of this State, of your services, and hope you will confer freely and fully with me on all such land subjects as you may consider this State to be interested, and particularly in regard to the "swamp and overflowed lands" granted to this State by an act of Congress of 28th September, 1850.

THOMAS BROWN.

From John Y. Bryant to Governor Brown.

WASHINGTON CITY, }  
January 19, 1852. }

Sir: Yours of the 8th, in reply to mine of the 1st instant, was duly received.

Realizing to some extent the necessity of having a competent person employed in this city, whose duty it shall be to represent and protect the interests of your State, in regard to lands granted by the several acts of Congress, you ask me to communicate freely with you, more especially at this time, in relation to the operations of the laws of 28th September, 1850, granting to the several States "swamp and overflowed lands." The extent of this description of lands is greater in the State of Florida than in any of the others, perhaps than all the other States; and if this and other grants to your State are judiciously managed, will yield an immense revenue—the advantage of which is incalculable, in contemplation of the future prosperity of Florida.

The particular object Congress had in view in making this grant was, as you know, to enable the several States to reclaim the lands within their respective limits *subject to overflow*. This grant, therefore, embraces not only *swamp* lands so called, but such as are subject to periodical overflows, regularly or irregularly, so as to deter improvement, unless the land be protected by artificial means; thus, there may be a "section," otherwise advantageously situated, which persons might be deterred from risking crops upon, as a general thing, but which may, by very little expense, be protected, and rendered extremely valuable. These the State would have the right under the law to select and claim.

The Department has in all the past, and will continue in the future, to confine the selections made under this law, upon the slightest pretext, to the submerged, and consequently the most valueless, (as a general thing,) that may be reported, and in this way deprive the State of innumerable and valuable tracts, to which it is fairly and justly entitled under the law. In these contests between the States and the Department, an agent always at hand examining the selections in detail, and contesting on the instant every attempt to deprive the State of what a fair and proper construction of the laws would give her, would save to the State a very large amount of the

most valuable lands. The rejection of selections is always done with a free hand, and for various causes; and among these, in consequence of conflicting claims, many of which, having no merit in themselves, yet present obstacles, sufficient at the moment to prevent confirmation to the State, unless such claims are promptly investigated, and if groundless or defective, made to yield to the vested right in the State.

These conflicts are so varied in their origin, and generally in such a state of suspense, for want of proper examination as to the rights of alleged claimants, as to debar the State from the present advantages in making selections to the full extent of the intention of the laws. They involve so many considerations, as to prevent their enumeration within the scope of a single communication. Having been for several years engaged on this particular branch of official duty, (State selections,) and familiar with the obstacles and vexations which the State authorities have had to encounter in the adjudication of these grants, and the disadvantages they have labored under for the want of proper information, and the assistance of a competent person here, familiar with the constructions and precedents in such cases, I have been induced to devote myself to the task, which I feel confident my experience will enable me to fulfil with credit to myself, and advantage to those who avail of my services.

The lists should be thoroughly examined by the agent of the State, when presented for the consideration of the General Land Office, who should make himself acquainted with every objection urged against the confirmation of particular tracts; and in order to enable me to act effectively in your behalf, it is requisite that I have full power to interpose in all matters involving the interests of your State in the public domain.

You will readily perceive that this service must necessarily consume much time—require considerable labor and unceasing vigilance, and that the compensation should be such as to remunerate me; yet I know not to what extent you may feel disposed, or be authorized to allow, but would be pleased to have your views on that point.

I am, very respectfully, your obedient servant,

JOHN Y. BRYANT.

Hon. THOMAS BROWN, Governor of Florida, Tallahassee.

From Governor Brown to John Y. Bryant.

EXECUTIVE DEPARTMENT, FLORIDA, }  
TALLAHASSEE, February 18, 1852. }

Sir: Causes which I could not control have prevented my replying to your letter of the 19th ultimo until now.

I have no doubt that it would be important to the interests of this State to have a competent person at Washington to attend her land claims; but I have no authority to appoint a salaried officer for that purpose, or to make an appointment, unless a contingency should

occur. I think it highly probable that it may become necessary to have some person qualified to attend to such claims.

In regard to the swamp and overflowed lands granted to this State by the act of Congress of the 28th September, 1850, the duty of designation in the first instance rests upon the Surveyor General of this State, who is now engaged in the performance of that duty, from the field notes of surveys in his office. When that duty has been performed and reported, it would become my duty to examine into its accuracy; and for that purpose, I have appointed two gentlemen of this State, of practical information in land surveys in this State, who will make personal examination, and report all lands to which the State may be entitled under the grant by Congress, not embraced in the report of the Surveyor General. When the report of the State agents is made, it may become important to have the benefit of experienced counsel on behalf of this State, and I shall be happy to avail the State of the benefit of your services; or if any thing should occur, wherein you could render service to the State in regard to the land claims, I shall be glad to have the benefit of your services on behalf of the State, and to allow you a reasonable compensation proportionate to the services rendered. Having no knowledge of the character of the services which you may be called on to render, I could form no idea of the compensation; but I am willing to say, for all useful and necessary services rendered, the compensation shall be as liberal as is usual in such cases.

With this understanding, I am willing to appoint you, and hereby appoint you land agent for the State of Florida, to attend to and protect her land claims, with full powers to interpose in all matters involving the interests of the said State in her public domain, and shall be glad to receive communications and advice, whenever you may deem it beneficial to the interest of the State.

I am, very respectfully, your most obedient,

THOMAS BROWN.

JOHN Y. BRYANT, Esq.

From John Y. Bryant to Governor Brown.

WASHINGTON CITY, May 10th 1852.

Sir:—Enclosed herewith, I transmit to you a list, exhibiting the result of the examination of the list of lands selected by the Surveyor General, in the Newnansville land district, and approved by him on the 11th December last. I have the honor to be very respectfully,

Your obedient servant,  
JOHN Y. BRYANT.

Governor THOMAS BROWN, Tallahassee, Florida.

From John Y. Bryant to Governor Brown.

WASHINGTON CITY, April 12th, 1852.

Sir:—I have the honor to report the examination of the lists of selections in the St. Augustine and Tallahassee districts of land se-

lected under the act of 28th September, 1850. These are the only two lists which have been posted as yet, and as the posting proceeds you shall in like manner be advised. The person selecting in the Tallahassee district, erroneously embraces the *sixteenth* sections, which are reserved from the operations of all other laws, being devoted to School purposes.

Enclosed are two lists, embracing those tracts selected in the above named land districts, which are rejected from the lists referred to, for the reasons indicated in the column of remarks.

I am very respectfully, your obedient servant,  
JOHN Y. BRYANT.

Governor THOMAS BROWN, Tallahassee, Florida.

John Wilson, Acting Commissioner, to Hon. E. C. Cabell.

GENERAL LAND OFFICE, }  
September 18th, 1852. }

Sir:—In accordance with your request I have the honor to state that the total area of Swamp and Overflowed Lands selected and reported to this office, by the Surveyor General of Florida, as enuring to that State under the Act of 28th September, 1850, is as follows:

In the Tallahassee District,	- - -	195,207 67-100 Acres.
In the Newnansville District,	- - -	146,097 31-100 "
In the St. Augustine District,	- - -	173,178 25-100 "

Total,	- - -	514,483 23-100 Acres.
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The true area may vary slightly from the above quantity, as the footing up was somewhat hastily done—but it is believed that the above statement is very nearly correct.

With great respect, your obedient servant,  
JOHN WILSON, Acting Commissioner.

Hon. E. C. CABELL, House of Representatives.

## REPORT OF THE REGISTER

Of Public Lands and Superintendent of Common Schools.

OFFICE OF THE REGISTER OF PUBLIC LANDS }  
FOR THE STATE OF FLORIDA, Nov. 10, 1852 }

To His Excellency, THOMAS BROWN,  
Governor of the State of Florida.

Sir:—In obedience to law, I have the honor to report to you and through you to the General Assembly, the conditions and transactions of this Office from 23d November, 1850, when I was qualified and entered on the discharge of its duties, to the end of the last fiscal year, to wit: the 31st October, 1852.

Of the five hundred thousand acres of land to which Florida be-